

JOURNAL
OF THE
SENATE

OF THE
STATE OF KANSAS

FOR THE

2019 Legislative Session
January 14 through May 29, 2019

HELD AT THE

STATE CAPITOL
TOPEKA, KANSAS

COREY CARNAHAN, *Secretary of the Senate*

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Governor

LAURA KELLY, Topeka

Lieutenant Governor

LYNN ROGERS, Wichita



OFFICERS OF THE SENATE

2019 Regular Session



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

STATE SENATORS
2019 LEGISLATIVE SESSION
Members Listed Alphabetically

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

**SENATE COMMITTEE ASSIGNMENTS
2019 LEGISLATIVE SESSION**

Standing Committees

Agriculture and Natural Resources (9)

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

Assessment and Taxation (9)

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

Commerce (11)

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

Confirmation Oversight (6)

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

Education (11)

1:30 pm **Room 144-S**
Baumgardner, *Chairperson*; Alley, *Vice Chairperson*; Braun, Estes, Givens, Pilcher-
Cook, Pyle, Rucker, Taylor.
Sykes, *Ranking Minority Member*; Bollier.

Ethics, Elections and Local Government (9)

9:30 am **Room 142-S**
Bowers, *Chairperson*; Hardy, *Vice Chairperson*; Braun, Denning, McGinn, Skubal,
Wagle.
Haley, *Ranking Minority Member*; Faust-Goudeau.

Federal and State Affairs (9)

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

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

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

Financial Institutions and Insurance (9)

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

Olson, *Chairperson*; Billinger, *Vice Chairperson*; Givens, Hilderbrand, Pyle, Rucker, Wilborn.

Ware, *Ranking Minority Member*; Sykes.

Interstate Cooperation (6)

On Call

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

Hensley, *Ranking Minority Member*; Haley.

Judiciary (11)

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

Wilborn, *Chairperson*; Rucker, *Vice Chairperson*; Baumgardner, Bowers, Hardy, Lynn, Petersen, Pilcher-Cook, Pyle.

Miller, *Ranking Minority Member*; Haley.

Organization, Calendar and Rules (3)

On Call

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

Public Health and Welfare (9)

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

Suellentrop, *Chairperson*; Berger, *Vice Chairperson*; Baumgardner, Estes, Masterson, Pilcher-Cook, Taylor.

Bollier, *Ranking Minority Member*; Pettey.

Select Committee on Education Finance (9)

On Call

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

Hensley, *Ranking Minority Member*; Pettey.

Select Committee on Federal Tax Code Implementation (9)

On Call

Wagle, *Chairperson*; Kerschen, *Vice Chairperson*; Alley, Goddard, Longbine, Lynn, Petersen.

Holland, *Ranking Minority Member*; Miller.

Transportation (11)

8:30 am

Room 546-S

Petersen, *Chairperson*; Goddard, *Vice Chairperson*; Bowers, Braun, Hardy, Hilderbrand, Masterson, Skubal, Tyson.
Petty, *Ranking Minority Member*; Hawk.

Utilities (11)

1:30 pm

Room 548-S

Masterson, *Chairperson*; Petersen, *Vice Chairperson*; Bowers, Hardy, Lynn, Olson, Skubal, Suellentrop, Wilborn.
Francisco, *Ranking Minority Member*; Hawk.

Ways and Means (13)

10:30 am

Room 548-S

McGinn, *Chairperson*; Billinger, *Vice Chairperson*; Alley, Berger, Braun, Denning, Goddard, Kerschen, Skubal, Suellentrop.
Hawk, *Ranking Minority Member*; Hensley, Petty.

JOINT COMMITTEES OF THE SENATE AND HOUSE

Administrative Rules and Regulations

On Call

(5 Senate – 7 House)

Pilcher-Cook, *Vice Chairperson*; Faust-Goudeau, McGinn, Tyson, Ware.

House Members: Highland, *Chairperson*; Carmichael, Cox, Kuether, Sutton, Wasinger, Winn.

Corrections and Juvenile Justice Oversight

On Call

(7 Senate – 7 House)

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

House Members: Jennings, *Chairperson*; Finney, Highberger, Hoffman, Owens, Resman, Whipple.

Information Technology

On Call

(5 Senate – 5 House)

Petersen, *Vice Chairperson*; Braun, Holland, Sykes, Tyson.

House Members: Hoffman, *Chairperson*; Collins, Huebert, Pittman, Whipple.

Kansas Security

On Call

(5 Senate – 5 House)

Goddard, *Vice Chairperson*; Braun, Petersen, Pettey, Ware.

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

Legislative Budget Committee

On Call

(3 Senate – 4 House)

McGinn, *Vice Chairperson*; Billinger, Hawk.

House Members: Waymaster, *Chairperson*; Carpenter, Hoffman, Wolfe Moore.

Legislative Coordinating Council

On Call

(3 Senate – 4 House)

Wagle, *Chairperson*; Denning, Hensley.

House Members: Ryckman, *Vice Chairperson*; Finch, Hawkins, Sawyer.

Legislative Post Audit

On Call

(5 Senate – 5 House)

Lynn, *Vice Chairperson*; Bowers, Hensley, Olson, Sykes.

House Members: Barker, *Chairperson*; Burroughs, Gartner, Toplikar, Williams.

Pensions, Investments and Benefits

On Call (5 Senate – 8 House)

Longbine, *Vice Chairperson*; Billinger, Miller, Pettey, Taylor.
House Members: Johnson, *Chairperson*; Blex, Dietrich, Henderson, Kelly, Kuether, Parker, Tarwater.

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

On Call (5 Senate – 6 House)

Suellentrop, *Chairperson*; Berger, Bollier, Estes, Pilcher-Cook.
House Members: Landwehr, *Vice Chairperson*; Ballard, Barker, Carpenter, Concannon, Murnan.

Special Claims Against the State

On Call (3 Senate – 4 House)

Kerschen, *Vice Chairperson*; Haley, Pyle.
House Members: Ralph, *Chairperson*; Samsel, Ward, Warren.

State Building Construction

On Call (5 Senate – 5 House)

Billinger, *Vice Chairperson*; Francisco, Hawk, McGinn, Skubal.
House Members: Claeys, *Chairperson*; Alcalá, Horn, Houser, Long.

State Tribal Relations

On Call (5 Senate – 5 House)

Estes, *Chairperson*; Francisco, Givens, Haley, Hilderbrand.
Victors, *Vice Chairperson*; Awerkamp, Garber, Lusk, Wheeler.

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

Alley, Larry W.

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

Committee	Rank	Time	Room
Education	Vice Chair	1:30 pm	144-S
Assessment and Taxation	Member	9:30 am	548-S
Commerce	Member	8:30 am	548-S
Select Committee on Federal Tax Code Implementation	Member	On Call	
Ways and Means	Member	10:30 am	548-S

Baumgardner, Molly

Republican, District 37
Room 445-S
(785) 296-7368

Committee	Rank	Time	Room
Education	Chair	1:30 pm	144-S
Select Committee on Education Finance	Chair	On Call	
Corrections and Juvenile Justice Oversight (Joint)	Vice Chair	On Call	
Commerce	Member	8:30 am	548-S
Judiciary	Member	10:30 am	346-S
Public Health and Welfare	Member	9:30 am	118-N

Berger, Ed

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

Committee	Rank	Time	Room
Public Health and Welfare	Vice Chair	9:30 am	118-N
Agriculture and Natural Resources	Member	8:30 am	159-S
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Robert G. (Bob) Bethell Joint Committee on Home and Community Based Services and KanCare Oversight (Joint)	Member	On Call	
Ways and Means	Member	10:30 am	548-S

Billinger, Richard (Rick)

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

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

Bollier, Barbara

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

Committee	Rank	Time	Room
Public Health and Welfare	*R.M. Member	9:30 am	118-N
Education	Member	1:30 pm	144-S
Robert G. (Bob) Bethell Joint Committee on Home and Community Based Services and KanCare Oversight (Joint)	Member	On Call	

Bowers, Elaine

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

Majority Whip

Committee	Rank	Time	Room
Ethics, Elections and Local Government	Chair	9:30 am	142-S
Interstate Cooperation	Member	On Call	
Judiciary	Member	10:30 am	346-S
Legislative Post Audit (Joint)	Member	On Call	
Transportation	Member	8:30 am	546-S
Utilities	Member	1:30 pm	548-S

Braun, Kevin

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

Committee	Rank	Time	Room
Education	Member	1:30 pm	144-S
Ethics, Elections and Local Government	Member	9:30 am	142-S
Information Technology (Joint)	Member	On Call	
Kansas Security (Joint)	Member	On Call	
Transportation	Member	8:30 am	546-S
Ways and Means	Member	10:30 am	548-S

Denning, Jim

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

Majority Leader

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

Doll, John

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

Estes, Bud

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

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

Faust-Goudeau, Oletha

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

Committee

Federal and State Affairs
 Administrative Rules and Regulations
 (Joint)
 Corrections and Juvenile Justice
 Oversight (Joint)
 Ethics, Elections and Local Government

Assistant Minority Leader

Rank	Time	Room
*R.M. Member	10:30 am	144-S
Member	On Call	
Member	On Call	
Member	9:30 am	142-S

Francisco, Marci

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

Committee

State Tribal Relations (Joint)
 Agriculture and Natural Resources
 Utilities
 Federal and State Affairs
 State Building Construction (Joint)

Agenda Chair

Rank	Time	Room
*R.M. Member	On Call	
*R.M. Member	8:30 am	159-S
*R.M. Member	1:30 pm	548-S
Member	10:30 am	144-S
Member	On Call	

Givens, Bruce

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

Committee

Commerce
 Education
 Federal and State Affairs
 Financial Institutions and Insurance
 State Tribal Relations (Joint)

Rank	Time	Room
Member	8:30 am	548-S
Member	1:30 pm	144-S
Member	10:30 am	144-S
Member	9:30 am	546-S
Member	On Call	

Goddard, Dan

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

Committee

Kansas Security (Joint)
 Transportation
 Assessment and Taxation
 Select Committee on Education Finance
 Select Committee on Federal Tax Code
 Implementation
 Ways and Means

Rank	Time	Room
Vice Chair	On Call	
Vice Chair	8:30 am	546-S
Member	9:30 am	548-S
Member	On Call	
Member	On Call	
Member	10:30 am	548-S

Haley, David

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

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

Hardy, Randall R.

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

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

Hawk, Tom

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

Committee	Rank	Time	Room
Ways and Means	*R.M. Member	10:30 am	548-S
Legislative Budget (Joint)	Member	On Call	
State Building Construction (Joint)	Member	On Call	
Transportation	Member	8:30 am	546-S
Utilities	Member	1:30 pm	548-S

Caucus Chair

Hensley, Anthony

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

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

Minority Leader

Hilderbrand, Richard

Republican, District 13
 Room 224-E
 (785) 296-7370

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

Holland, Tom

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

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

Kerschen, Dan

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

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

Longbine, Jeff

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

Vice President**Committee**

Pensions, Investments and Benefits
 (Joint)

Assessment and Taxation

Commerce

Confirmation Oversight

Federal and State Affairs

Interstate Cooperation

Organization, Calendar and Rules

Select Committee on Federal Tax Code
 Implementation

Rank

Vice Chair

Member

Member

Member

Member

Member

Member

Member

Time

On Call

9:30 am

8:30 am

On Call

10:30 am

On Call

On Call

On Call

Room

548-S

548-S

144-S

Lynn, Julia

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

Committee

Commerce

Legislative Post Audit (Joint)

Assessment and Taxation

Judiciary

Select Committee on Federal Tax Code
 Implementation

Utilities

Rank

Chair

Vice Chair

Member

Member

Member

Member

Time

8:30 am

On Call

9:30 am

10:30 am

On Call

1:30 pm

Room

548-S

548-S

346-S

548-S

Masterson, Ty

Republican, District 16
 Room 224-E
 (785) 296-7388

Committee

Utilities

Federal and State Affairs

Public Health and Welfare

Transportation

Rank

Chair

Member

Member

Member

Time

1:30 pm

10:30 am

9:30 am

8:30 am

Room

548-S

144-S

118-N

546-S

McGinn, Carolyn

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

Committee	Rank	Time	Room
Ways and Means	Chair	10:30 am	548-S
Legislative Budget Committee (Joint)	Vice Chair	On Call	
Administrative Rules and Regulations (Joint)	Member	On Call	
Agriculture and Natural Resources	Member	8:30 am	159-S
Confirmation Oversight	Member	On Call	
Ethics, Elections and Local Government	Member	9:30 am	142-S
Select Committee on Education Finance	Member	On Call	
State Building Construction (Joint)	Member	On Call	

Miller, Vic

Democrat, District 18
 Room 125-E
 (785) 296-7360

Committee	Rank	Time	Room
Judiciary	*R.M. Member	10:30 am	346-S
Assessment and Taxation	Member	9:30 am	548-S
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Pensions, Investments and Benefits (Joint)	Member	On Call	
Select Committee on Federal Tax Code Implementation	Member	On Call	

Olson, Robert “Rob”

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

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

Petersen, Mike

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

Assistant Majority Leader

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

Petty, Pat

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

Senate Minority Whip

Committee	Rank	Time	Room
Transportation	*R.M. Member	8:30 am	546-S
Kansas Security (Joint)	Member	On Call	
Pensions, Investments and Benefits (Joint)	Member	On Call	
Public Health and Welfare	Member	9:30 am	118-N
Select Committee on Education Finance	Member	On Call	
Ways and Means	Member	10:30 am	548-S

Pilcher-Cook, Mary

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

Committee	Rank	Time	Room
Administrative Rules and Regulations (Joint)	Vice Chair	On Call	
Commerce	Vice Chair	8:30 am	548-S
Corrections and Juvenile Justice Oversight (Joint)	Member	On Call	
Education	Member	1:30 pm	144-S
Judiciary	Member	10:30 am	346-S
Public Health and Welfare	Member	9:30 am	118-N
Robert G. (Bob) Bethell Joint Committee on Home and Community Based Services and KanCare Oversight (Joint)	Member	On Call	

Pyle, Dennis

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

Committee	Rank	Time	Room
Agriculture and Natural Resources	Member	8:30 am	159-S
Education	Member	1:30 pm	144-S
Financial Institutions and Insurance	Member	9:30 am	546-S
Judiciary	Member	10:30 am	346-S
Special Claims Against the State (Joint)	Member	On Call	

Rucker, Eric

Republican, District 20
 Room 235-E
 (785) 296-7374

Committee	Rank	Time	Room
Judiciary	Vice Chair	10:30 am	346-S
Commerce	Member	8:30 am	548-S
Education	Member	1:30 pm	144-S
Financial Institutions and Insurance	Member	9:30 am	546-S
Select Committee on Education Finance	Member	On Call	

Skubal, John

Republican, District 11
 Room 124-E
 (785) 296-7301

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

Suellentrop, Gene

Republican, District 27
 Room 441-E
 (785) 296-7385

Committee	Rank	Time	Room
Public Health and Welfare	Chair	9:30 am	118-N
Robert G. (Bob) Bethell Joint Committee on Home and Community Based Services and KanCare Oversight (Joint)	Chair	On Call	
Commerce	Member	8:30 am	548-S
Utilities	Member	1:30 pm	548-S
Ways and Means	Member	10:30 am	548-S

Sykes, Dinah H.

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

Committee	Rank	Time	Room
Education	*R.M. Member	1:30 pm	144-S
Commerce	Member	8:30 am	548-S
Financial Institutions and Insurance	Member	9:30 am	546-S
Information Technology (Joint)	Member	On Call	
Legislative Post Audit (Joint)	Member	On Call	

Taylor, Mary Jo

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

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

Tyson, Caryn

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

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

Wagle, Susan

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

President

Committee	Rank	Time	Room
Interstate Cooperation	Chair	On Call	
Organization, Calendar and Rules	Chair	On Call	
Legislative Coordinating Council (Joint)	Chair	On Call	
Select Committee on Federal Tax Code Implementation	Chair	On Call	
Confirmation Oversight	Member	On Call	
Ethics, Elections and Local Government	Member	9:30 am	142-S

Ware, Mary

Democrat, District 25
 Room 135-E
 (785) 296-7391

Committee	Rank	Time	Room
Financial Institutions and Insurance	*R.M. Member	9:30 am	546-S
Administrative Rules and Regulations (Joint)	Member	On Call	
Agriculture and Natural Resources	Member	8:30 am	159-S
Kansas Security (Joint)	Member	On Call	

Wilborn, Rick

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

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

*Ranking Minority Member

**Constitutional Provisions
Governing
the
Kansas Legislature**



State of Kansas

KANSAS CONSTITUTIONAL PROVISIONS CONCERNING LEGISLATIVE POWERS

Article 2.—LEGISLATIVE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Rules
of the
Kansas Senate**



State of Kansas

2017-2020

January 2017

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RULES OF THE SENATE

2017-2020

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Not Debatable

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

Debatable

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



State of Kansas

2019-2020

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JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES 2019-2020

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) *Bill request deadline for individual members.* Except for bills introduced pursuant to (i) of this rule, no request to draft bills, except those made by committees, through their respective chairpersons, shall be made to, or accepted by, the office of the revisor of statutes after the hour of 5:00 p.m. on February 4, 2019, during the 2019 regular session and on February 3, 2020, during the 2020 regular session.

(b) *Bill introduction deadline for individual members.* Except as provided in (i) of this rule, no bill sponsored by a member or members shall be introduced in either house of the legislature after the hour of adjournment on February 13, 2019, during the 2019 regular session and on February 12, 2020, during the 2020 regular session. Such deadline for the introduction of bills by individual members may be changed to an earlier date in either house at any time by resolution duly adopted by the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in such house.

(c) *Bill request deadline for certain committees.* Except for bills to be introduced pursuant to (i) of this rule, no committee except the committee on ways and means of the senate, the committee on assessment and taxation of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall make a request to the office of the revisor of statutes for any bill to be drafted for sponsorship by such committee after the hour of 5:00 p.m. on February 11, 2019, during the 2019 regular session and on February 10, 2020, during the 2020 regular session.

(d) *Bill introduction deadline for certain committees.* Except as provided in (i) of this rule, no bill sponsored by any committee of either house of the legislature, except the committee on ways and means of the senate, the committee on assessment and taxation of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be introduced in either house after the hour of adjournment on February 15, 2019, during the 2019 regular session and on February 14, 2020, during the 2020 regular session.

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

mittees on calendar and printing, appropriations and taxation shall be considered in the house in which such bill originated after the hour of adjournment on February 28, 2019, during the 2019 regular session and on February 27, 2020, during the 2020 regular session.

(f) *Second house bill consideration deadline.* No bill, except bills sponsored by, referred to or acted upon by the committee on ways and means of the senate, the committee on assessment and taxation of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be considered by either house, not the house of origin of such bill, after the hour of adjournment on March 27, 2019, during the 2019 regular session and March 25, 2020, during the 2020 regular session.

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

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

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

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

(k) *Bill consideration deadline; exceptions.* No bills shall be considered by the Legislature after April 5, 2019, during the 2019 regular session and after April 3, 2020, during the 2020 regular session except bills vetoed by the governor, the omnibus appropriation act and the omnibus reconciliation spending limit bill provided for under K.S.A. 75-6702, and amendments thereto. This subsection (k) may be suspended for the consideration of a specific bill or bills not otherwise exempt under this subsection by the affirmative vote of a majority of the members then elected (or appointed) and qualified in the house in which the bill is to be considered.

Joint rule 5. Closure of meetings to consider matters relating to security. Any standing committee of the house of representatives, any standing committee of the senate, the legislative coordinating council, any joint committee of both houses of the legislature, any special or select committee of the house of representatives or the senate, the house of representatives in session, the senate in session or a joint session of the house of representatives and the senate may meet in closed, executive session for the purpose of receiv-

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

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

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

SENATE JOURNAL

PROCEEDINGS

OF THE

Senate

OF THE

KANSAS LEGISLATURE

TOPEKA, KANSAS

2019 REGULAR SESSION

January 14 through May 29, 2019

COREY CARNAHAN, *Secretary of the Senate*

EXPLANATION OF ABBREVIATIONS

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

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

EXPLANATION OF PAGE NUMBERING

The Senate and House Journals are printed in separate volumes. Paging in both journals is consecutive and begins with page 1, continuing through the 2-year biennium.

Under the section "History of Bills" HJ page numbers refer to the separate House Journal for 2019.

Journal of the Senate

FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, January 14, 2019, 2:00 p.m.

In accordance with the provisions of the Constitution of the State of Kansas and by virtue of her office as President of the Senate, Senator Susan Wagle declared the 2019 Senate to be in session.

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

Heavenly Father, we're here for a new legislative session. We're here to serve Your people. And in doing so, we look to You. We look to You for strength. We look to You for wisdom. We look to You for guidance. We look to You for resources.

Lord, for all of that to come to fruition, we must look to You. In Proverbs 19:21, You said there are many plans in a man's heart, but it is Your counsel...Your direction...Your guiding principles of life, that will stand and endure.

You said in Psalm 33:10-12, that if our plans or strategies are merely of human origin they would crumble and come to ruin. But if our plans are actual extensions of Yours, they'll stand forever.

So, Lord, that's the desire ... that the Hand of God be seen in everything we do.

Again, Lord, we ask for wisdom, strength, guidance and resources. So, when all is said and done, it will be declared that it was You and Your presence that prevailed in our midst.

I come to You, in the blessed Name of Jesus, the Christ, Amen and Amen.

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF GUESTS

President Wagle introduced Dr. Jeremy Presley, president of the Kansas Academy of Family Physicians. Dr. Presley has practiced in Dodge City since 2010 as a partner at Family Practice Associates of Western Kansas. The Academy sponsors the Doctor of the Day program in the Statehouse. President Wagle thanked Dr. Presley and the Academy for their support of the program and for their outstanding assistance during session.

COMMUNICATIONS FROM STATE OFFICERS

STATE OF KANSAS
SECRETARY OF STATE

I, KRIS KOBACH, Secretary of State of the State of Kansas, do hereby certify that the following persons were elected members of the Senate of the State of Kansas for the

remainder of the unexpired four-year term ending on the second Monday of January, A.D. 2021.

District 13 Richard Hilderbrand

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused to be affixed my official seal this 3rd day of December in the Year of Our Lord two thousand and eighteen.

KRIS KOBACH
Secretary of State

ERIC K. RUCKER
Assistant Secretary of State

OATH OF OFFICE

President Wagle requested Senator Denning escort Senators Kevin Braun, Richard Hilderbrand, Vic Miller, Eric Rucker and Mary Ware to the front of the Senate. The President introduced the Honorable Marla Luckert, Justice, Supreme Court of Kansas, who administered the Oath of Office.

OATH OF OFFICE STATE OF KANSAS, COUNTY OF SHAWNEE, ss:

We do solemnly swear, or affirm, that I will support the Constitution of the United States, and the Constitution of the State of Kansas, and will faithfully discharge the duties of the office of the State Senator. So help me God.

Subscribed and Sworn to, or Affirmed, before me this 14th day of January, 2019.

MARLA J. LUCKERT
Justice of the Kansas Supreme Court

President Wagle introduced Nicole Turner, who will be the Senate reader.

The roll was called with 40 senators present.

District

1. Dennis Pyle
2. Marci Francisco
3. Tom Holland
4. David Haley
5. Kevin Braun
6. Pat Pettey
7. Barbara Bollier
8. Jim Denning
9. Julia Lynn
10. Mary Pilcher-Cook
11. John Skubal
12. Caryn Tyson
13. Richard Hilderbrand
14. Bruce Givens
15. Dan Goddard

District

21. Dinah H. Sykes
22. Tom Hawk
23. Rob Olson
24. Randall R. Hardy
25. Mary Ware
26. Dan Kerschen
27. Gene Suellentrop
28. Mike Petersen
29. Oletha Faust-Goudeau
30. Susan Wagle
31. Carolyn McGinn
32. Larry W. Alley
33. Mary Jo Taylor
34. Ed Berger
35. Rick Wilborn

- | | |
|---------------------|------------------------------|
| 16. Ty Masterson | 36. Elaine S. Bowers |
| 17. Jeff Longbine | 37. Molly Baumgardner |
| 18. Vic Miller | 38. Bud Estes |
| 19. Anthony Hensley | 39. John Doll |
| 20. Eric Rucker | 40. Richard (Rick) Billinger |

CAUCUS REPORT

MAJORITY PARTY CAUCUS

January 14, 2019

The members of the Senate Majority Party have caucused and selected the following party officer:

Assistant Majority Leader, Senator Mike Petersen

JIM DENNING
Chairperson

MINORITY PARTY CAUCUS

December 10, 2018

The members and members-elect of the minority party of the Senate have met and caucused as required by K.S.A.46-142, and have selected the following caucus officers:

Assistant Democratic Leader, Oletha Faust-Goudeau; Democratic Whip, Pat Pettey. The other officers remain the same: Democratic Leader, Anthony Hensley; Caucus Chairman, Tom Hawk; Agenda Chairwoman, Marci Francisco.

TOM HAWK
Chairperson

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1701—

A RESOLUTION relating to the organization of the Senate.

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

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

On emergency motion of Senator Denning **SR 1701** was adopted unanimously.

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

SENATE RESOLUTION No. 1702—

A RESOLUTION relating to assignment of seats of the Senate.

Be it resolved by the Senate of the State of Kansas: The members of the 2019 regular session shall occupy the same seats assigned pursuant to 2017 Senate Resolution No. 1702 with the following exceptions: Braun 16, Bollier 38, Goddard 4, Hardy 19, Hilderbrand 12, Masterson 24, Miller 37, Pettey 6, Pilcher-Cook 35, Rucker 3, Suellentrop 27, Sykes 5 and Ware 7.

On emergency motion of Senator Denning **SR 1702** was adopted unanimously.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 1, AN ACT concerning school district transportation funding; eliminating state highway fund transfers; requiring state general fund moneys to fund school district transportation weightings; making and concerning appropriations for the fiscal year ending June 30, 2019, for the department of education and the department of transportation, by Senator Denning.

SB 2, AN ACT establishing the federal medical assistance percentage stabilization fund; limiting transfers from such fund, specified uses, by Senator Denning.

SB 3, AN ACT concerning elections; relating to election commissioners; amending K.S.A. 19-3419 and repealing the existing section, by Senator Hensley.

SB 4, AN ACT concerning elections; relating to determinations of certain objections with respect to nominations or candidacies; establishing the Kansas objections board; amending K.S.A. 2018 Supp. 25-308 and repealing the existing section, by Senator Hensley.

SB 5, AN ACT enacting the Kansas reinvestment act, by Senators Faust-Goudeau and Ware.

SB 6, AN ACT concerning the Kansas department for children and families; relating to performance-based contracting, by Senator Faust-Goudeau.

SB 7, AN ACT concerning school boards; relating to timing of elections of officers and certain other matters; amending K.S.A. 72-1073, 72-1133 and 72-1138 and repealing the existing sections, by Senator Hawk.

SB 8, AN ACT concerning the purchase of firearms; establishing a three-day waiting period, by Senator Faust-Goudeau.

SB 9, AN ACT making and concerning appropriations for the fiscal year ending June 30, 2019, for the Kansas public employees retirement system; authorizing certain transfers from the state general fund to the Kansas public employees retirement fund, by Senators Baumgardner, Alley, Billinger, Braun, Denning, Estes, Goddard, Hilderbrand, Kerschen, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Rucker, Suellentrop, Tyson and Wilborn.

SB 10, AN ACT concerning health and healthcare; relating to home and community-based services; eliminating the client obligation for persons receiving services, by Robert G. (Bob) Bethell Joint Committee on Home and Community Based Services and KanCare Oversight.

SB 11, AN ACT concerning the Kansas dental board; relating to the practice of dental therapy; practice of dental hygiene; licensure of dental therapists; amending K.S.A. 65-1421, 65-1424, 65-1431, 65-1434, 65-1436, 65-1441, 65-1447, 65-1449, 65-1456, 65-1460, 65-1462, 65-1469, 65-4915, 65-4921, 65-5912, 65-7304, 74-1405 and 74-1406 and K.S.A. 2018 Supp. 75-2935 and 75-6102 and repealing the existing sections, by Robert G. (Bob) Bethell Joint Committee on Home and Community Based Services and KanCare Oversight.

SB 12, AN ACT concerning public assistance; relating to administration by the Kansas department for children and families; eligibility requirements and limitations; amending K.S.A. 2018 Supp. 39-702, 39-709 and 39-719b and repealing the existing sections, by Robert G. (Bob) Bethell Joint Committee on Home and Community Based Services and KanCare Oversight.

SB 13, AN ACT concerning taxation; relating to income tax, Kansas itemized deduction, expensing deduction, credit for certain purchases of goods and services for qualified vendors; rural opportunity zones, Cowley and Crawford counties; sales and compensating use tax, authority for countywide retailers, exemptions for sales of certain coins or bullion and purchases by midland care connection, inc.; property tax, cities and counties, approval of budgets; motor-fuel law, definitions, special fuels; amending K.S.A. 74-50,222 and K.S.A. 2018 Supp. 12-187, 12-189, 79-2925c, 79-32,120, 79-32,143a, 79-3401 and 79-3606 and repealing the existing sections, by Senators Tyson, Alley, Baumgardner, Estes, Goddard, Hilderbrand, Lynn, Masterson, Olson, Petersen, Sullentrop and Wilborn.

SB 14, AN ACT concerning evidence based juvenile programs; making and concerning appropriations for the fiscal year ending June 30, 2019, for various agencies, by Committee on Joint Committee on Corrections and Juvenile Justice Oversight.

SB 15, AN ACT concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; definition of service-connected; amending K.S.A. 74-4952 and repealing the existing section, by Committee on Joint Committee on Pensions, Investments, and Benefits.

SENATE CONCURRENT RESOLUTION No. 1601

By Senator Hilderbrand

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

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

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

"§ 14. State Highway Fund. (a) On and after July 1, 2021, moneys shall be appropriated, expended or transferred from the state highway fund that is established and maintained in the state treasury only as follows:

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

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

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

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

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

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

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

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in the year 2020 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

Senators Wagle, Denning and Hensley introduced the following concurrent resolution which was read in and adopted by voice vote:

SENATE CONCURRENT RESOLUTION No. 1602—

A CONCURRENT RESOLUTION relating to a committee to inform the governor that the two houses of the legislature are duly organized and ready to receive communications.

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That a committee of two members from the Senate and three members from the House of Representatives be appointed to wait upon the governor,

and inform the governor that the two houses of the legislature are duly organized and are ready to receive any communications the governor may have to present.

Senators Longbine, Wagle, Denning and Hensley introduced the following concurrent resolution:

SENATE CONCURRENT RESOLUTION No. 1603—

A CONCURRENT RESOLUTION adopting joint rules for the Senate and House of Representatives for the 2019-2020 biennium.

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the following joint rules shall be the joint rules of the Senate and House of Representatives for the 2019-2020 biennium.

JOINT RULES OF THE
SENATE AND HOUSE OF REPRESENTATIVES
2019-2020

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

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

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

resolution are made available to members on the first day of the legislative session and final action is taken on a subsequent legislative day.

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

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

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

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

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

deemed to be killed.

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

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

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

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

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

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

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

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

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

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

(a) *Bill request deadline for individual members.* Except for bills introduced pursuant to (i) of this rule, no request to draft bills, except those made by committees, through their respective chairpersons, shall be made to, or accepted by, the office of the revisor of statutes after the hour of 5:00 p.m. on February 4, 2019, during the 2019 regular session and on February 3, 2020, during the 2020 regular session.

(b) *Bill introduction deadline for individual members.* Except as provided in (i) of this rule, no bill sponsored by a member or members shall be introduced in either house of the legislature after the hour of adjournment on February 13, 2019, during the 2019 regular session and on February 12, 2020, during the 2020 regular session. Such deadline for the introduction of bills by individual members may be changed to an earlier date in either house at any time by resolution duly adopted by the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in such house.

(c) *Bill request deadline for certain committees.* Except for bills to be introduced pursuant to (i) of this rule, no committee except the committee on ways and means of the senate, the committee on assessment and taxation of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall make a request to the office of the revisor of statutes for any bill to be drafted for sponsorship by such committee after the hour of 5:00 p.m. on February 11, 2019, during the 2019 regular session and on February 10, 2020, during the 2020 regular session.

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

after the hour of adjournment on February 15, 2019, during the 2019 regular session and on February 14, 2020, during the 2020 regular session.

(e) *House of origin bill consideration deadline.* No bill, except bills sponsored by, referred to or acted upon by the committee on ways and means of the senate, the committee on assessment and taxation of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be considered in the house in which such bill originated after the hour of adjournment on February 28, 2019, during the 2019 regular session and on February 27, 2020, during the 2020 regular session.

(f) *Second house bill consideration deadline.* No bill, except bills sponsored by, referred to or acted upon by the committee on ways and means of the senate, the committee on assessment and taxation of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be considered by either house, not the house of origin of such bill, after the hour of adjournment on March 27, 2019, during the 2019 regular session and March 25, 2020, during the 2020 regular session.

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

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

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

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

(k) *Bill consideration deadline; exceptions.* No bills shall be considered by the Legislature after April 5, 2019, during the 2019 regular session and after April 3, 2020, during the 2020 regular session except bills vetoed by the governor, the omnibus appropriation act and the omnibus reconciliation spending limit bill provided for under K.S.A. 75-6702, and amendments thereto. This subsection (k) may be suspended for the consideration of a specific bill or bills not otherwise exempt under this subsection by the affirmative vote of a majority of the members then elected (or appointed) and qualified in the house in which the bill is to be considered.

Joint rule 5. Closure of meetings to consider matters relating to security. Any standing committee of the house of representatives, any standing committee of the senate, the legislative coordinating council, any joint committee of both houses of the legislature, any special or select committee of the house of representatives or the senate, the house of representatives in session, the senate in session or a joint session of the house of representatives and the senate may meet in closed, executive session for the purpose of receiving information and considering matters relating to the security of state officers or employees, or both, or the security of buildings and property under the ownership or control of the state of Kansas.

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

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

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The President referred **SCR 1603** to the Calendar under the heading of General Orders.

MESSAGES FROM THE GOVERNOR

February 9, 2018

To the Senate of the State of Kansas:

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

JEFF COLYER, M.D.
Governor

Administrator, Department of Credit Unions, Jerel Wright (R), Meriden, pursuant to the authority vested in me by KSA 17-2233 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire December 31, 2022, to succeed herself.

March 15, 2018

To the Senate of the State of Kansas:

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

JEFF COLYER, M.D.
Governor

State Librarian, Kansas State Library, Eric Norris (R), Hays, pursuant to the authority vested in me by KSA 75-2535, and effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor, to succeed Interim State Librarian, Cindy Roupe.

April 16, 2018

To the Senate of the State of Kansas:

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

JEFF COLYER, M.D.
Governor

Public Member, University of Kansas Hospital Authority, Michael Copeland (R), Olathe, pursuant to the authority vested in me by KSA 76-3304 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2019, to succeed Sharon Lindenbaum.

June 1, 2018

To the Senate of the State of Kansas:

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

JEFF COLYER, M.D.
Governor

Public Member, University of Kansas Hospital Authority, Jack Newman, Jr. (R), Leawood, pursuant to the authority vested in me by KSA 76-3304 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2020, to succeed himself.

June 4, 2018

To the Senate of the State of Kansas:

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

JEFF COLYER, M.D.
Governor

JANUARY 14, 2019

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Member, Employment Security Board of Review, Ryann Waller (D), Lawrence, pursuant to the authority vested in me by KSA 44-709, and effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2022, to succeed herself.

Member, Kansas State Banking Board, Casey Lair (R), Neodesha, pursuant to the authority vested in me by KSA 74-3004 et seq., and effective upon the date of confirmation by the Senate, to serve a three year term, to expire March 15, 2021, to succeed himself.

July 11, 2018

To the Senate of the State of Kansas:

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

JEFF COLYER, M.D.
Governor

Member, State Civil Service Board, Carroll Macke (D), Kansas City, pursuant to the authority vested in me by KSA 75-2929(a), and effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2022, to succeed himself.

Member, Human Rights Commission, Harold Schorn, Jr. (D), Newton, pursuant to the authority vested in me by KSA 44-1003 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2022, to succeed himself.

July 26, 2018

To the Senate of the State of Kansas:

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

JEFF COLYER, M.D.
Governor

Public Member, University of Kansas Hospital Authority, Dr. Donna Thomas (R), Mission Hills, pursuant to the authority vested in me by KSA 76-3304 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2021, to succeed Charles Sunderland.

September 12, 2018

To the Senate of the State of Kansas:

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

JEFF COLYER, M.D.
Governor

Public Member, University of Kansas Hospital Authority, Gregory Graves (R), Stilwell, pursuant to the authority vested in me by KSA 76-3304 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2019, to succeed himself.

October 16, 2018

To the Senate of the State of Kansas:

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

JEFF COLYER, M.D.
Governor

Regents, Kansas Board of Regents, William Feuerborn (D), Garnett, pursuant to the authority vested in me by KSA 74-3202(a) and effective upon the date of confirmation by the Senate, to serve a four year term, to expire June 30, 2022, to succeed himself.

Regents, Kansas Board of Regents, Mark Hutton (R), Andover, pursuant to the authority vested in me by KSA 74-3202(a) and effective upon the date of confirmation by the Senate, to serve a four year term, to expire June 30, 2022, to succeed Zoe Newton.

Regents, Kansas Board of Regents, Allen Schmidt (D), Hays, pursuant to the authority vested in me by KSA 74-3202(a) and effective upon the date of confirmation by the Senate, to serve a four year term, to expire June 30, 2022, to succeed Joseph Bain.

November 20, 2018

To the Senate of the State of Kansas:

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

JEFF COLYER, M.D.
Governor

Public Member, University of Kansas Hospital Authority, Derel Wynn (D), Kansas City, pursuant to the authority vested in me by KSA 74-3304 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2021, to succeed himself.

Public Member, State Civil Service Board, Raymond Melugin (R), Wichita, pursuant to the authority vested in me by KSA 75-2929a et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2022, to succeed himself.

November 29, 2018

To the Senate of the State of Kansas:

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

JEFF COLYER, M.D.
Governor

JANUARY 14, 2019

17

Public Member, Pooled Money Investment Board, Steven Bowser (D), Holton, pursuant to the authority vested in me by KSA 74-4221 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2022, to succeed a vacant term.

December 13, 2018

To the Senate of the State of Kansas:

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

JEFF COLYER, M.D.
Governor

Public Member, University of Kansas Hospital Authority, David Dillon (R), Mission Hills, pursuant to the authority vested in me by KSA 76-3304 et seq., and effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2021, to succeed himself.

COMMUNICATIONS FROM STATE OFFICERS

January 11, 2018

To the Senate of the State of Kansas:

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

DEREK SCHMIDT
Kansas Attorney General

Medicaid Inspector General, Sarah E. Fertig, pursuant to the authority vested in me by KSA 75-7427(b)(2)(A), effective upon the date of confirmation by the Senate, to serve a term expiring January 15, 2021.

September 24, 2018

To the Senate of the State of Kansas:

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

DEREK SCHMIDT
Kansas Attorney General

Crime Victims Compensation Board, Richard Samamiego, pursuant to the authority vested in me by KSA 74-7303 et seq., effective upon the date of confirmation by the Senate, to serve a four year term, to fill the unexpired term of Suzanne Valdez to expire March 15, 2020. This letter only serves as a clarification that Mr. Samamiego will serve as chair once he is appointed to the Board.

COMMUNICATIONS FROM STATE OFFICERS

January 14, 2019

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

Dear President Wagle:

During the 2018 Interim, I received the reports and communications listed below. This listing will appear in the January 14, 2019 Senate Journal.

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

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

From Kansas Department of Education, information relating to school safety and security.

From Attorney General Derek Schmidt, the FY 2018 annual report of the Abuse, Neglect and Exploitation Unit.

From Joseph House, Executive Director, Board of Emergency Medical Services, the annual report on civil fines issued and and investigative subpoenas issued.

From the Office of Governor Jeff Colyer: Executive Order 18-13 through 19-01. Executive Directive 18-486, 18-487, and 18-489 authorizing personnel transactions. Executive Directive 18-488 and 18-491 through 18-498 authorizing the expenditure of federal funds. Executive Directive 18-490 authorizing the transfer of funds between State General Fund Budget Units.

Sincerely,

COREY CARNAHAN
Secretary of the Senate

REPORTS OF STANDING COMMITTEES

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

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

By the Attorney General:

Inspector General, Office of Inspector General:

Sarah Fertig, to serve a term ending January 15, 2021.

Member, Kansas Crime Victims Compensation Board:

Richard Samaniego, to serve a term ending March 15, 2020.

By the Governor:

Librarian, State Librarian:

Eric Norris, to serve at the pleasure of the governor.

Administrator, Department of Credit Unions:

Jerel Wright, to serve a term ending December 31, 2022.

Member, State Banking Board:

Casey Lair, to serve a term ending March 15, 2021.

Member, University of Kansas Hospital Authority:

Michael Copeland, to serve a term ending March 15, 2019.

Member, State Civil Service Board:

Carroll Macke, to serve a term ending March 15, 2022.

Member, Kansas Human Rights Commission:

Harold Schorn, to serve a term ending January 15, 2022.

Member, Kansas Employment Security Board of Review:

Ryann Waller, to serve a term ending March 15, 2022.

Member, University of Kansas Hospital Authority:

Jack Newman, to serve a term ending March 15, 2020.

Member, University of Kansas Hospital Authority:

Donna Thomas, to serve a term ending March 15, 2021.

Member, University of Kansas Hospital Authority:

Greg Graves, to serve a term ending March 15, 2019.

Member, State Board of Regents:

William Feuerborn, to serve a term ending June 30, 2022.

Member, State Board of Regents:

Mark Hutton, to serve a term ending June 30, 2022.

Member, State Board of Regents:

Allen Schmidt, to serve a term ending June 30, 2022.

Member, University of Kansas Hospital Authority:

Deryl Wynn, to serve a term ending March 15, 2021.

Member, State Civil Service Board:

Raymond Melugin, to serve a term ending March 15, 2022.

Member, Pooled Money Investment Board:

Steven Bowser, to serve a term ending March 15, 2022.

Member, University of Kansas Hospital Authority:

David Dillon, to serve a term ending March 15, 2021.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Tuesday, January 15, 2019.

Journal of the Senate

SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, January 15, 2019, 2:30 p.m.

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

Gracious Master, we turn to You again for guidance. Thank You for the assurance, that when we turn to You, we won't be disappointed.

Among the unfailing promises of Your Word, we're encouraged, in Hebrews 13:5-6, to know, and even be confident, that even though You're invisible, Your presence is with us.

Lord, as we assume the significant responsibilities in these halls, help us by faith to look for and to see visible evidence, that not only did You keep the promise of Your presence; but in Your presence, You kept the promise of Your assistance...the promise of Your support.

So, as our days, weeks and months move forward, help us to move forward with the confidence, that You've got our backs...our fronts, our sides, our tops and bottoms.

I thank You Lord, that in You...in Your authority...in the Name of Your Son, everything that we need, is Amen and AMEN!

The Pledge of Allegiance was led by President Wagle.

REFERENCE OF BILLS

Assessment and Taxation: **SB 13**.
Commerce: **SB 5**.
Ethics, Elections and Local Government: **SB 3, SB 4, SB 7**.
Federal and State Affairs: **SB 8**.
Financial Institutions and Investments: **SB 15**.
Public Health and Welfare: **SB 6, SB 10, SB 11, SB 12**.
Ways and Means: **SB 1, SB 2, SB 9, SB 14; SCR 1601**.

MESSAGE FROM THE HOUSE

Announcing adoption of **HR 6001**, a resolution relating to the organization of the 2019 House of Representatives and selection of the following officers:

Ron Ryckman, Speaker of the House
Blaine Finch, Speaker Pro Tem
Dan Hawkins, Majority Leader
Tom Sawyer, Minority Leader

Susan Kannarr, Chief Clerk
 Foster Chisholm, Sgt. At Arms
 and awaits the pleasure of the Senate.

Announcing adoption of **HCR 5002**, a concurrent resolution providing for a joint session of the Senate and House of Representatives for the purpose of hearing a message from the Governor.

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

To escort the Governor: Representatives Baker, Landwehr and Ballard;

To escort the Lt. Governor: Representatives Arnberger, Kessinger and Burroughs;

To escort the Supreme Court: Representatives Wheeler, Owens and Clayton;

To escort the Senate: Representatives Carlson, Thimesch and Neighbor.

Announcing adoption of **SCR 1602** a concurrent resolution relating to a committee to wait upon the Governor and advise her the 2019 session of the Legislature is duly organized and ready to receive communication. Representatives Baker, Landwehr and Highberger are appointed as House members of the committee.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

On emergency motion of Senator Denning, **HCR 5002** was adopted by voice vote.

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

To escort the Governor: Senators Bowers and Pettey;

To escort the Lt. Governor: Senators Berger and Faust-Goudeau;

To escort the Supreme Court: Senators Rucker and Miller.

MESSAGES FROM THE GOVERNOR

MESSAGE FROM THE GOVERNOR
 REGARDING ISSUANCE OF EXECUTIVE CLEMENCY

Pursuant to my authority under Article 1, Section 7 of the Constitution of the State of Kansas, I have on this date issued the following pardons and commutation of sentence:

- Wandaleen Thomas, a native of Wichita, Kansas, currently living in Fountain, Colorado, has received an unconditional pardon. Ms. Thomas was convicted of felony possession of drugs in 1992. She completed her sentence, now owns and operates her own business, and has maintained a record of good conduct as a law abiding citizen in the intervening 26 years since the conviction. Her conviction in the District Court of Sedgwick County was previously expunged by the court, and her pardon request was favorably recommended by the Prisoner Review Board.
- Christopher Rickerson of Wichita, Kansas, has received an unconditional pardon. Mr. Rickerson was convicted of felony possession of drugs in 2006, as well as property and drug misdemeanors in 2005 and 2006. He completed his sentences, now owns and operates his own business, and has maintained a record of good conduct as a law abiding citizen in the intervening 12 years since his convictions. His convictions in the District Courts of Sedgwick and Butler Counties were previously expunged by the courts, and his pardon request was favorably recommended by the Prisoner Review Board.

- Regina Carter of Emporia, Kansas, has received a commutation of sentence. Ms. Carter was convicted of felony distribution/possession of drugs in 2016. She is a combat veteran who suffers from PTSD, and she was a first time offender who was nearing completion of a college degree. She has served nearly three years of her sentence for a first time offense that often results in lesser punishment, that could result in referral to a special veterans court in some jurisdictions, and as to which the statutory penalty has been reduced since her sentencing. Her 98 month sentence has been commuted to 43 months, with conditions requiring 36 months of post-release supervision, drug treatment, education, and drug testing. As a result of the commutation, she can be released from incarceration and into post-release supervision as early as May 2019.

I am providing this report pursuant K.S.A. 22-3703.

Dated: January 10, 2019

JEFF COLYER, M.D.
Governor of Kansas

COMMUNICATIONS FROM STATE OFFICERS

January 14, 2019

Shari Feist Albrecht, Chair, and Ryan A. Hoffman, Director, Conservation Division, Kansas Corporation Commission, submitted the Abandoned Oil and Gas Well Status report.

Shari Feist Albrecht, Chair, and Ryan A. Hoffman, Director, Conservation Division, Kansas Corporation Commission, submitted the Oil and Gas Remediation Site Status report.

January 15, 2019

Elaine Frisbie, Kansas Board of Regents, submitted the annual report on the Kan-Ed Fund.

Elaine Frisbie, Kansas Board of Regents, submitted the annual report of the Postsecondary Technical Education Authority (TEA).

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

On motion of Senator Denning the Senate recessed to the sound of the gavel.

The Senate met pursuant to recess with President Wagle in the chair.

COMMITTEE OF THE WHOLE

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

On motion of Senator Petersen the following report was adopted:

SCR 1603 be adopted.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **SCR 1603** was advanced to Final Action and roll call.

SCR 1603, A CONCURRENT RESOLUTION adopting joint rules for the Senate and House of Representatives for the 2019-2020 biennium.

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

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

Nays: Miller.

Present and Passing: Francisco.

Absent or Not Voting: Pettey.

The resolution was adopted.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Wednesday, January 16, 2019.

Journal of the Senate

THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, January 16, 2019, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 40 senators present.

Invocation by Reverend Cecil T. Washington:

Lord, once again I thank You for this privilege of praying for Your people.

We're Liberals and Conservatives; We're Democrats and Republicans; Men and Women...Pro and Con; and in so many other ways, we're just plain different.

And with all our differences, we're like magnets. We can attract or repel, depending on which side is showing.

The "Dream" that Dr. Martin Luther King shared with us, had to do with viewing one another based on the content of their character.

The problem is that too often, because of our differences, we're prone to show the wrong side...a repulsive, unloving side. It's a side that we do try to contain, but sometimes we just let it show.

Lord, when someone differs from us...when they oppose us...when they're getting on our last nerve, remind us of Your words in Matthew 22:37-39, that even when we don't feel like it, we're to show love for that neighbor. You want us to show them the side that You have been showing to us; the side of love and compassion; the side of patience.

Lord, as we strive to serve Your people, even as we have times of disagreement, help us to show each other our pleasant, attractive sides. I pray in the name of Jesus, the Christ. Amen

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 16, AN ACT concerning education; relating to the Kansas school equity and enhancement act; authorizing expenditures from the at-risk education fund; amending K.S.A. 72-5153 and 72-5193 and repealing the existing sections, by Committee on Education.

SB 17, AN ACT concerning motor vehicles; relating to driver's licenses, motorcycles, requiring class M license for temporary permits; amending K.S.A. 2018 Supp. 8-235 and repealing the existing section, by Committee on Transportation.

SB 18, AN ACT concerning criminal procedure; relating to diversion agreements; attorney general; amending K.S.A. 22-2906 and K.S.A. 2018 Supp. 22-2909 and

repealing the existing sections, by Committee on Judiciary.

MESSAGES FROM THE GOVERNOR

Message to the Senate of the State of Kansas:

Enclosed is Executive Order No. 19-02 for your information.

LAURA KELLY
Governor

REPORT ON ENROLLED BILLS

SCR 1602 reported correctly enrolled, properly signed and presented to the Secretary of State on January 16, 2019.

SR 1701, SR 1702 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 16, 2019.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Thursday, January 17, 2019.

Journal of the Senate

FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, January 17, 2019, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 40 senators present.

Dr. Larry Jones, Missionary Baptist Church in Wichita, and guest of Senator David Haley, offered the invocation.

The Pledge of Allegiance was led by President Wagle.

POINT OF PERSONAL PRIVILEGE

Senator Faust-Goudeau rose on a Point of Personal Privilege to introduce guests visiting the Capitol in recognition of the legacy of Dr. Martin Luther King. Guests introduced were: Kenya Cox, Executive Director of Kansas African American Affairs Commission (KAAAC); Roy Moye, III; Sherdeill Breathett, KAAAC Commissioner; Mrs. Sue Jones, wife of today's guest Chaplain; and Charles Jean Baptiste, who conceptualized the Brown v. Board Mural displayed in the Capitol.

The guests were honored with a standing ovation by the Senate.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 19, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing; presentence investigation report; amending K.S.A. 2018 Supp. 21-6813 and repealing the existing section, by Committee on Judiciary.

SB 20, AN ACT concerning courts; relating to court fees and costs; judicial branch surcharge fund; amending K.S.A. 65-409 and K.S.A. 2018 Supp. 8-2107, 8-2110, 20-3021, 21-6614, 22-2410, 23-2510, 28-170, 28-172a, 28-177, 28-178, 28-179, 32-1049a, 38-2215, 38-2312, 38-2314, 59-104, 60-729, 60-2001, 60-2203a, 61-2704 and 61-4001 and repealing the existing sections, by Committee on Judiciary.

SB 21, AN ACT concerning crimes, punishment and criminal procedure; relating to abolition of the death penalty; creating the crime of aggravated murder; sentences of imprisonment for life without the possibility of parole; amending K.S.A. 65-5117 and 72-2165 and K.S.A. 2018 Supp. 21-5301, 21-5402, 21-5419, 21-6328, 21-6614, 21-6618, 21-6620, 21-6622, 21-6628, 21-6629, 21-6806, 22-2512, 22-3717, 22-4902, 22-4906, 23-3222, 38-2255, 38-2271, 38-2303, 38-2312, 38-2365, 39-970, 39-2009 and 75-52,148 and repealing the existing sections; also repealing K.S.A. 2018 Supp. 21-5401, 21-6617 and 21-6619, by Committee on Ways and Means.

SB 22, AN ACT concerning taxation; relating to income tax; addition and subtraction modifications, treatment of deferred foreign income, global intangible low-taxed income, business interest, capital contributions and FDIC premiums; Kansas itemized deduction, election; amending K.S.A. 2018 Supp. 79-32,117, 79-32,120 and 79-32,138 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 23, AN ACT concerning gaming, creating the Kansas sports wagering act; amending K.S.A. 74-8702, 74-8710, 74-8711, 74-8716, 74-8734, 74-8741, 74-8751, 74-8752, 74-8760, 74-8763, 74-8765 and 74-8769 and K.S.A. 2018 Supp. 19-101a, 21-6403 and 21-6507 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 24, AN ACT concerning utilities; relating to electric utilities; recovery of transmission-related costs; amending K.S.A. 66-1237 and repealing the existing section, by Committee on Utilities.

SB 25, AN ACT concerning certain claims against the state, making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing, by Committee on Joint Committee on Special Claims Against the State.

SB 26, AN ACT concerning income taxation; relating to credits; certain purchases of goods and services from qualified vendors that provide employment to individuals who are blind or severely disabled; qualifications, procedures and limitations, by Committee on Commerce.

SB 27, AN ACT concerning employment security law; relating to lessor employment units and lessee clients; restrictions on leasing certain employees; amending K.S.A. 44-758 and repealing the existing section, by Committee on Commerce.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **SB 16**.

Judiciary: **SB 18**.

Transportation: **SB 17**.

COMMUNICATIONS FROM STATE OFFICERS

January 17, 2019

To: Corey Carnahan, Senate Secretary

Pursuant to Rule 8, the Senate Select Committee on Federal Tax Code Implementation is established with appointments to be announced at a later date.

SUSAN WAGLE
Senate President

CONSIDERATION OF APPOINTMENTS

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

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

By the Governor

On the appointment to the:

Pooled Money Investment Board:

Steven Bowser, term ending March 15, 2022.

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

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

The appointment was confirmed.

By the Governor

On the appointment to the:

University of Kansas Hospital Authority:

Michael Copeland, term ending March 15, 2019.

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

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

The appointment was confirmed.

By the Governor

On the appointment to the:

University of Kansas Hospital Authority:

David Dillon, term ending March 15, 2021.

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

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

The appointment was confirmed.

By the Attorney General

On the appointment to the:

Office of Inspector General:

Sarah Fertig, term ending January 15, 2021.

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

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

The appointment was confirmed.

By the Governor

On the appointment to the:

State Board of Regents:

William Feuerborn, term ending June 30, 2022.

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

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

The appointment was confirmed.

By the Governor

On the appointment to the:

University of Kansas Hospital Authority:

Greg Graves, term ending March 15, 2019.

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

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

The appointment was confirmed.

By the Governor

On the appointment to the:

State Board of Regents:

Mark Hutton, term ending June 30, 2022.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn.

Present and Passing: Pyle.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Banking Board:

Casey Lair, term ending March 15, 2021.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson,

Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Civil Service Board:

Carroll Macke, term ending March 15, 2022.

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

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

The appointment was confirmed.

By the Governor

On the appointment to the:

State Civil Service Board:

Raymond Melugin, term ending March 15, 2022.

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

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

The appointment was confirmed.

By the Governor

On the appointment to the:

University of Kansas Hospital Authority:

Jack Newman, term ending March 15, 2020.

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

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

The appointment was confirmed.

By the Governor

On the appointment to the:

State Librarian:

Eric Norris, At the pleasure of the governor.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley,

Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn.

The appointment was confirmed.

By the Attorney General

On the appointment to the:

Kansas Crime Victims Compensation Board:

Richard Samaniego, term ending March 15, 2020.

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

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

The appointment was confirmed.

By the Governor

On the appointment to the:

State Board of Regents:

Allen Schmidt, term ending June 30, 2022.

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

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

The appointment was confirmed.

By the Governor

On the appointment to the:

Kansas Human Rights Commission:

Harold Schorn, term ending January 15, 2022.

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

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

The appointment was confirmed.

By the Governor

On the appointment to the:

University of Kansas Hospital Authority:

Donna Thomas, term ending March 15, 2021.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll,

Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn.

The appointment was confirmed.

By the Governor

On the appointment to the:

Kansas Employment Security Board of Review:

Ryann Waller, term ending March 15, 2022.

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

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

The appointment was confirmed.

By the Governor

On the appointment to the:

Department of Credit Unions:

Jerel Wright, term ending December 31, 2022.

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

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

The appointment was confirmed.

By the Governor

On the appointment to the:

University of Kansas Hospital Authority:

Deryl Wynn, term ending March 15, 2021.

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

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

The appointment was confirmed.

On motion of Senator Denning, the Senate adjourned pro forma until 9:00 a.m., January 18, 2019.

Journal of the Senate

FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, January 18, 2019, 9:00 a.m.

The Senate was called to order pro forma by Senator Randall Hardy.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 26, SB 27.**

Federal and State Affairs: **SB 23.**

Judiciary: **SB 19, SB 20, SB 21.**

Senate Select Committee on Federal Tax Code Implementation: **SB 22.**

Utilities: **SB 24.**

Ways and Means: **SB 25.**

CHANGE OF REFERENCE

Under the authority of the President, Senator Hardy withdrew **SB 13** from the Committee on **Assessment and Taxation**, and referred the bill to the **Senate Select Committee on Federal Tax Code Implementation**.

TRIBUTES

The Committee on **Organization, Calendar, and Rules** authorizes the following tributes for the week of January 14 through January 18, 2019:

Senator Faust-Goudeau: celebrating Blanche (Neely) Jackson's 90th Birthday.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Tuesday, January 22, 2019.

Journal of the Senate

SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, January 22, 2019, 2:30 p.m.

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

Heavenly Father, You are the Author; the Design Originator, and Sustainer of life.
It was January 18, 1984, that President Ronald Reagan designated today, January 22, as Sanctity of Human Life Day, for it to coincide with the Roe vs. Wade date of legalizing abortion.

Lord, there would be no such thing as life, were it not for You, the Giver of life. And were it not for Your loving care, the life that exists, would not. Even from that which was dead, You brought forth life.

Many of us celebrate that 2,000 years ago, You brought forth life from the tomb. But we also celebrate that You bring forth life, from the womb.

Lord, I thank You for the life You've given me; and for the lives of everyone here! Thank You for the variety of gifts, abilities and talents that You have so miraculously encoded in the DNA of our being; that each of us might be a unique blessing to others.

Help us learn to value the life that You give. You said in James 1:17, that every good gift comes from You.

And Lord, Your Word also says in Deuteronomy 30:19 that both life and death; blessing and cursing have been set before us; and You admonish us to choose life, that we and our offspring may live.

So Lord, as we move forward, help us to establish a culture that values life. And we thank You for the challenge. In the Name of Jesus, the Christ, Amen.

The Pledge of Allegiance was led by President Wagle.

SPECIAL GUEST

President Wagle introduced 4th District Congressman, Ron Estes, and his wife, Susan.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 28, AN ACT concerning insurance; relating to risk-based capital instructions; effective date; amending K.S.A. 2018 Supp. 40-2c01 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 29, AN ACT concerning insurance; relating to health insurance; amending certain requirements of fully-insured association health plans; amending K.S.A. 2018 Supp. 40-

2209 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 30, AN ACT concerning insurance; relating to health insurance; updating certain definitions pertaining to small employer health plans; amending K.S.A. 40-2209b and K.S.A. 2018 Supp. 40-2209d and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 31, AN ACT concerning insurance; relating to health insurance; exempting certain association health plans from requirements pertaining to small employer health plans; amending K.S.A. 40-2209p and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 32, AN ACT exempting certain non-insurance healthcare benefits coverage from the jurisdiction of the commissioner of insurance; amending K.S.A. 2018 Supp. 40-2222, 40-2222a and 40-2222b and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 33, AN ACT concerning insurance; relating to health insurance; pertaining to small employer carriers; establishment of certain classes of business; amending K.S.A. 40-2209g and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 34, AN ACT concerning insurance; relating to health insurance; exempting certain association health plans from regulation under statutes governing small employer health plans; amending K.S.A. 40-2209e and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 35, AN ACT concerning insurance; relating to health insurance; providing for short-term, limited-duration health plans; amending K.S.A. 2018 Supp. 40-2,193 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 36, AN ACT concerning insurance; relating to health insurance; making certain association health plans subject to the jurisdiction of the commissioner of insurance; amending K.S.A. 2018 Supp. 40-2222, 40-2222a and 40-2222b and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 37, AN ACT concerning children and minors; relating to reporting of certain abuse and neglect; duly ordained minister of religion; employee of or volunteer for a religious organization; amending K.S.A. 2018 Supp. 38-2223 and repealing the existing section, by Senator Holland.

SB 38, AN ACT concerning the employment security law; relating to benefits for privately contracted school bus drivers; amending K.S.A. 2018 Supp. 44-706 and repealing the existing section, by Committee on Federal and State Affairs.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Wednesday, January 23, 2019.

Journal of the Senate

SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, January 23, 2019, 2:30 p.m.

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

Father God, many are the desires and expectations placed upon us. And they come at us from many sources; from family, friends, associates and even strangers. Sometimes stressed, with the weight of it all, we struggle with which direction to take; to whom do we listen? We realize that we must answer to others, but much more so, we're accountable to You.

So, help us to follow the wisdom You gave Solomon, the son of King David. In Proverbs 3:1-5, we find that the wisdom handed down from You is to be remembered and held close to the heart, because the insights coming from Your teachings bring quality and quantity of life. In verse 3, it says we're not to abandon the Godly qualities of mercy and truthfulness toward others.

And the results that You promise, and we can claim are favor and success in Your eyes, along with favor and success in the eyes of the people.

So Lord, help us to trust You...to acknowledge and recognize You in all our ways, knowing that you are faithful and that You will direct our paths. In the Name of the Christ, I come to your throne of grace. Amen and Amen.

The Pledge of Allegiance was led by President Susan Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 38**.

Federal and State Affairs: **SB 37**.

Financial Institutions and Insurance: **SB 28, SB 29, SB 30, SB 31, SB 32, SB 33, SB 34, SB 35, SB 36**.

COMMUNICATIONS FROM STATE OFFICERS

January 23, 2019

To: Corey Carnahan, Senate Secretary

Pursuant to Rule 8, I hereby appoint the following senators to the Select Committee

on Federal Tax Code Implementation:

Senator Wagle (Chairperson), Senator Kerschen (Vice-Chairperson), Senator Holland (Ranking Minority Member), Senator Alley, Senator Goddard, Senator Longbine, Senator Lynn, Senator Miller and Senator Petersen.

This letter will also serve as notice that the committee is exempt from legislative deadlines.

SUSAN WAGLE
Senate President

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Thursday, January 24, 2019.

Journal of the Senate

EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, January 24, 2019, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 37 senators present.
Senators Estes, Hensley and Masterson were excused.
Invocation by Reverend Cecil T. Washington:

E pluribus unum! Lord, a translation for this 13 letter Latin phrase, is "Out of many, one"! Over 300 years ago, by Your inspiration and by an Act of Congress, it was adopted as the motto for this great nation. Many, uniting as One! A goal; an objective, not yet achieved!

And, Lord, it appears as though some of us have forgotten our motto or we're trying to change it to "Out of Many, Me!"

Lord, only by Your convicting and unifying Spirit can our prideful "me first" attitudes be set aside. Then, as we humbly yield to the thought of sharing, and to the collective merging of ideas, we will see You produce in and through us the growth and improvements needed in this generation.

As we consider the laws by which we are to be governed, keep us reminded of the one that's most essential...the one that facilitates the fulfillment of our motto, the law of love.

This is so essential that in the 1 Peter 4:7-11 passage, You said in verse 8, "Above everything else, show sincere love for each other because love will cause people to be forgiving of one another's shortcomings."

Lord, let the love and harmony of E pluribus unum, prevail in these halls. I come to You in the Name of Jesus, Who loved us to death. Amen and Amen

The Pledge of Allegiance was led by President Wagle.

POINT OF PERSONAL PRIVILEGE

Senators Givens, Alley, Taylor and Lynn rose on a Point of Personal Privilege to introduce Miss Kansas 2018, Hannah Klaassen.

Senators honored Hannah with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 39, AN ACT concerning the vehicle dealers and manufacturers licensing act; relating to warranty services, compensation; amending K.S.A. 2018 Supp. 8-2415 and repealing the existing section, by Committee on Transportation.

SB 40, AN ACT regulating traffic; concerning authorized emergency vehicles; amending K.S.A. 8-1530 and repealing the existing section, by Committee on Transportation.

SB 41, AN ACT concerning motor vehicles; relating to the use of safety belts; classifying violations as a traffic infraction; amending K.S.A. 8-2116 and repealing the existing section, by Committee on Transportation.

SB 42, AN ACT concerning real estate brokers and salespersons; relating to the definitions of rebate and interest for purposes of real estate transactions; amending K.S.A. 2018 Supp. 58-3035 and repealing the existing section, by Committee on Commerce.

SB 43, AN ACT concerning elections; relating to voter registration; allowing voter registration on election days; amending K.S.A. 2018 Supp. 25-2311, 25-2316c and 25-3602 and repealing the existing sections, by Senators Pettey, Bollier, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Miller, Skubal, Sykes and Ware.

SB 44, AN ACT concerning education; relating to the instruction and financing thereof; making and concerning appropriations for the fiscal years ending June 30, 2019, June 30, 2020, and June 30, 2021, for the department of education; amending K.S.A. 72-5132, 72-5142 and 72-5462 and K.S.A. 2018 Supp. 79-201x and repealing the existing sections, by Committee on Ways and Means.

SB 45, AN ACT concerning crimes, punishment and criminal procedure; relating to involuntary manslaughter; battery; public safety sector employees; penalties; amending K.S.A. 2018 Supp. 21-5405 and 21-5413 and repealing the existing sections; also repealing K.S.A. 2018 Supp. 21-5413a, by Committee on Judiciary.

SB 46, AN ACT concerning pawnbrokers and precious metal dealers; relating to recovery of misappropriated property; procedures and remedies; amending K.S.A. 16-706 and 16-720 and repealing the existing sections, by Committee on Judiciary.

SB 47, AN ACT concerning education; relating to the state board of education; creating the student opportunity scholarship program, by Committee on Assessment and Taxation.

On motion of Senator Denning, the Senate adjourned pro forma until 9:00 a.m., January 25, 2019.

Journal of the Senate

NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, January 25, 2019, 9:00 a.m.

The Senate was called to order pro forma by Senator Eric Rucker.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 48, AN ACT concerning public health; relating to transportation arrangements prior to a funeral; amending K.S.A. 65-1753 and repealing the existing section, by Committee on Public Health and Welfare.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 42**.

Education: **SB 47**.

Ethics, Elections and Local Government: **SB 43**.

Judiciary: **SB 45**, **SB 46**.

Senate Select Committee on Education Finance: **SB 44**.

Transportation: **SB 39**, **SB 40**, **SB 41**.

TRIBUTES

The Committee on **Organization, Calendar, and Rules** authorizes the following tributes for the week of January 22 through January 25, 2019:

Senator Bowers: congratulating Don Landoll on being named the 2019 Entrepreneur of the Year by the Kansas Native Sons and Daughters, congratulating Austin St. John on receiving the 2018 Kansas Association of City/County Management Early-Career Excellence Award;

Senator Givens: congratulating Hannah Klaassen on being named Miss Kansas 2018;

Senator Hardy: celebrating Esther Shuler's 101st Birthday;

Senator Hawk: congratulating James Higgs on achieving the rank of Eagle Scout;

Senator Kerschen: congratulating Brent Henry on winning the "If I Were Mayor" Essay Contest; and

Senator Petersen: celebrating Beth and Stan Osborne's 50th Wedding Anniversary.

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On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Monday, January 28, 2019.

Journal of the Senate

TENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, January 28, 2019, 2:30 p.m.

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

Lord, it is Your design that in the family, parents are to lead and be an influence in the lives of their children, not only by their words or precepts but also by their examples. You hold parents to a higher standard.

Your Word reveals to us, in James 3:1, that as leaders in society, as persons who are to have influence, You hold us to a higher standard. You expect us to set standards and guidelines for others while applying them to ourselves as well.

Lord, I'm reminded when, as a Chaplain for the Police Department, I utilized my badge to get out of a traffic ticket. And when your conviction was heavy upon me I repented.

Now that I don't take advantage of my position, You have increased my influence for Your purposes. My prayer today is that You'll do the same for each one of us. Grant us the power of Your grace and mercy that we might measure up to the exemplary standards that You set for us in Your Word. And when we fall short, convict us to repent.

And by Your Holy Spirit, grant us Your grace and mercy, that even in our imperfections, positive influence among our families, friends and followers will increase.

Thank You, Lord, for Your love, grace and mercy. In Jesus' Name, I pray, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 49, AN ACT concerning wildlife, parks and tourism; relating to cabins and camp sites; fees; amending K.S.A. 2018 Supp. 32-999 and repealing the existing section, by Committee on Agriculture and Natural Resources.

SB 50, AN ACT concerning wildlife, parks and tourism; relating to fees; amending K.S.A. 2018 Supp. 32-988 and repealing the existing section, by Committee on Agriculture and Natural Resources.

SB 51, AN ACT concerning state governmental ethics; relating to state officers and employees; relating to lobbyists; amending K.S.A. 46-232 and repealing the existing section, by Senators Hensley, Bollier, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Miller, Pettey, Sykes and Ware.

SB 52, AN ACT concerning teachers; relating to contracts; due process; amending K.S.A. 72-2252, 72-2253, 72-2254 and 72-2260 and repealing the existing sections, by Senators Hensley, Bollier, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Miller, Pettey, Sykes and Ware.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Public Health and Welfare: **SB 48**.

MESSAGES FROM THE GOVERNOR

January 25, 2019

Enclosed is Executive Order 19-03 for your information.

LAURA KELLY
Governor

The Vice President announced that Executive Order 19-03 is on file in the office of the Secretary of the Senate and is available for review at any time.

MESSAGE FROM THE HOUSE

Announcing adoption of **SCR 1603**.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Tuesday, January 29, 2019.

Journal of the Senate

ELEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, January 29, 2019, 2:30 p.m.

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

It is to You, Lord God, that we come once again. The cry today is for You to lovingly intervene in all our affairs and never leave us to ourselves. Because as smart as we are, we're naturally dumb. As strong as we are, we're naturally weak. When our original parents, the first man and woman, chose to go wrong in Genesis 2:16-17 and 3:6, a leaning...a bent toward wrong choices has plagued us and our world ever since.

And Lord, You regularly let us see it in the world around us. Even in nature, based on Genesis 3:17-19, the bias is toward the wild.

Lord, don't leave us to ourselves. A lawn which is left to itself will by nature go to weeds. A child that's left to itself will naturally go astray. And likewise, without Your guidance, we will naturally go awry.

Lord, You warned us, in Proverbs 3:5-7, to NOT follow the natural bent of our own thinking; that we are NOT to be wise in our own eyes, but to look to You in all that we do. So, Lord, don't leave us to ourselves.

Like the gardener that lovingly intervenes to prevent its natural decline, please lovingly intervene as we move about in making decisions. Don't let us follow the dangerous course of the natural. For when You step in, the results will be supernatural.

So Lord, have Your way today, tomorrow and on in the days to come. And in the midst of it all, don't leave us to ourselves. In the dear name of Jesus, Amen.

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 53, AN ACT concerning state emblems; designating the chambourcin as the state red wine grape; designating the vigneoles as the state white wine grape, by Senators Holland, Alley, Baumgardner, Braun, Francisco, Haley, Lynn, McGinn and Ware.

SB 54, AN ACT concerning the department of health and environment; establishing the KanCare bridge to a healthy Kansas program; amending K.S.A. 2018 Supp. 40-3213 and repealing the existing section, by Committee on Ways and Means.

SB 55, AN ACT concerning civil actions and civil procedure; relating to partition; enacting the uniform partition of heirs property act, by Committee on Judiciary.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 49, SB 50.**

Education: **SB 52.**

Ethics, Elections and Local Government: **SB 51.**

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Baumgardner, Alley, Bollier, Braun, Estes, Givens, Lynn, Pettey, Pilcher-Cook, Pyle, Rucker, Sykes and Taylor introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1703—

A RESOLUTION congratulating and commending the members of the
2019 Kansas Teacher of the Year team.

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

WHEREAS, Two teachers – one elementary and one secondary – in each of the state's four United States congressional districts were selected as finalists for recognition as the Kansas Teacher of the Year, with the winner being chosen from among the eight finalists. The Kansas Teacher of the Year is awarded the Hubbard Foundation Kansas Teacher of the Year Ambassadorship, which enables the person selected to devote significant time during the second semester to activities supporting the mission of the program. The 2019 Kansas Teacher of the Year and finalists were honored at an awards banquet on November 17, 2018. All members received a cash award as well as mementos of the event; and

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

WHEREAS, The 2019 Kansas Teacher of the Year is Whitney Morgan, Kansas City USD 500; and the regional finalists are: Jennifer S. Brown, Geary County USD 475; Megan Clark, DeSoto USD 232; Signe A. Cook, Great Bend USD 428; Nicole L. Corn, Lawrence USD 497; Lan T. Huynh, Wichita USD 259; Sharon L. Kuchinski, Leavenworth USD 453; and Tim "T.J." Warsnak, Halstead-Bentley USD 440: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the members of the 2019 Kansas Teacher of the Year team and wish Whitney Morgan success in the national competition; and

Be it further resolved: That the Secretary of the Senate shall send eight enrolled copies of this resolution to the Commissioner of Education for forwarding to the members of the 2019 Kansas Teacher of the Year team and an enrolled copy to Senator Baumgardner.

On emergency motion of Senator Baumgardner **SR 1703** was adopted by voice vote. Senators honored the teachers with a standing ovation.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2035**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2035 was thereupon introduced and read by title.

REPORT ON ENROLLED BILLS

SCR 1603 reported correctly enrolled, properly signed and presented to the Secretary of State on January 29, 2019.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Wednesday, January 30, 2019.

Journal of the Senate

TWELFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, January 30, 2019, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 40 senators present.

President Wagle introduced guest chaplain, William L. Graves, Pastor, New Basel United Church of Christ, Abilene, to deliver the invocation:

Almighty God, You are the Creator of us all. We come today into Your presence as the State of Kansas. We come from the largest of cities to the smallest of towns, from west, central and eastern parts of our state. We come from different professions, communities and lifestyles. We are filled with the joy and honor of being the representatives of our district, yet we are humbled by the duty to which we are elected. We are challenged to meet the needs of our great state.

We come to this great chamber from different faiths and beliefs. As people of different faiths, we recognize that You are a God of great love whose nature is to be gracious. We thank You that we live in a great nation where we can practice our faith according to our individual beliefs.

Almighty God, we thank You for bringing us together this day. Inspire us to worthy deeds. Help us make sound decisions and direct us toward the attainment of goals that strengthen our state. We pray that You would bless and protect all of our people. Guide us on the path to unity and harmony that we may serve You and Your people in keeping with Your Holy Will. Amen.

The Pledge of Allegiance was led by President Wagle.

POINT OF PERSONAL PRIVILEGE

Senator Baumgardner rose on a Point of Personal Privilege and delivered the following remarks:

On January 30, 2019, the members of the Kansas Senate Education Committee didn't need to be reminded by J. R. R. Tolkien to "Never laugh at live dragons." We had the privilege of hearing from students in the Belle Plaine High School Dragon Prints entrepreneurial program today.

Students shared how Dragon Prints began in their school, what printed products they produce and sell within their community, and how this experience has changed their high school learning experience. The Belle Plaine students that testified today exemplify the creativity, persistence, teamwork and technical skills that will serve them well in their future.

The Kansas Senate Education Committee recognizes that the successes of the Dragon Prints program haven't happened on their own in a "Dragon Cave." We appreciated learning about the specific financial support given by the Belle Plaine School Board, the vision and oversight provided by the Belle Plaine administration, and the dedicated classroom planning and supervision that is made available to these students every day. Best wishes for the continued success of the Dragon Prints program. And let it be known that the Kansas Senate will never, ever, laugh at these very successful live dragons!

Senators honored the students and their teacher with applause.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 56, AN ACT concerning state contracts; relating to verification of certain billable hours, by Committee on Federal and State Affairs.

SB 57, AN ACT concerning state agencies; relating to contracts for information technology projects; review by the joint committee on information technology; amending K.S.A. 46-2102 and K.S.A. 2018 Supp. 75-7209 and repealing the existing sections, by Senators Petersen and Holland.

SB 58, AN ACT concerning citizen-initiated grand juries; relating to immunity from civil liability; witnesses; amending K.S.A. 2018 Supp. 22-3001 and 22-3008 and repealing the existing sections, by Committee on Judiciary.

SB 59, AN ACT creating the Eudora community library district act, by Senator Holland.

SB 60, AN ACT concerning real estate; relating to licensing of brokers and salespersons; application, temporary licenses, education requirements, deactivation and reinstatement of licenses, broker's primary office, fees, effect on other licenses of suspension or revocation of certain licenses; Kansas real estate commission; organization, seal; amending K.S.A. 74-4202 and K.S.A. 2018 Supp. 58-3039, 58-3040, 58-3045, 58-3046a, 58-3047, 58-3060, 58-3063, 58-3080 and 58-3081 and repealing the existing sections; also repealing K.S.A. 58-3049, by Committee on Commerce.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **SB 53**; **HB 2035**.

Judiciary: **SB 55**.

Public Health and Welfare: **SB 54**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1704—

A RESOLUTION congratulating and commending the members of Buhler High School's boys cross country team for their outstanding performance at the 2018 State Cross Country Meet.

WHEREAS, The 2018 Buhler High School boys state cross country team roster includes Brayden Dressman, Cordel Hendrickson, Hayden Keller, Tanner Lindahl, Colton Lohrentz, Rand Lohrentz, and Ryan Neill; and

WHEREAS, The 2018 Buhler Crusaders boys cross country team is staffed by head coach Curtis Morgan and assistant coaches Andrea Pope, Chad Wahlgren, and Adam Willis; and

WHEREAS, On October 27, 2018, the Buhler High School boys state cross country team competed in the State Cross Country Meet, emerging triumphant as Class 4A boys team state champions for the first time in school history; and

WHEREAS, Lindahl played a notable role in leading his teammates to their State Cross Country Meet victory. After winning his race with a time of 16:18.8, Lindahl was declared Class 4A boys individual state cross country champion, becoming the second freshman in Kansas State High School Activities Association history to accomplish this remarkable feat; and

WHEREAS, The Crusaders boys cross country team enjoyed a successful 2018 season, winning six of eight titles, including the Ark Valley Chisholm Trail League title for the first time in school history; and

WHEREAS, During the 2018 season, head coach Morgan was selected by the Kansas Cross Country and Track & Field Coaches Association as 4A Boys Cross Country Coach of the Year. Morgan was also selected by the U.S. Track & Field and Cross Country Coaches Association as High School Coach of the Year for Kansas: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the members of Buhler High School's boys cross country team for their outstanding performance at the 2018 State Cross Country Meet. The Crusaders exemplify what dedication, determination, and teamwork can accomplish. We applaud them for their many successes during the 2018 season and wish them continued success and happiness in the future; and

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

On emergency motion of Senator Berger **SR 1704** was adopted by voice vote. Senators honored the students with a standing ovation.

Senators Suellentrop, Baumgardner, Billinger, Braun, Denning, Francisco, Goddard, Hilderbrand, Longbine, Olson, Petersen, Pyle, Rucker, Skubal, Tyson, Wagle and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1705—

A RESOLUTION congratulating and commending Angela Hamilton
of Sedgwick County EMS for being named 2018 Paramedic of the Year
by the National Association of Emergency Medical Technicians.

WHEREAS, On October 30, 2018, Angela Hamilton was declared recipient of the highly prestigious NAEMT/Nasco Paramedic of the Year Award by the National Association of Emergency Medical Technicians. The announcement was made as part of NAEMT's presentation of its 2018 National EMS Awards of Excellence; and

WHEREAS, Hamilton has worked with Sedgwick County EMS for the past 19 years. She began her career in EMS by serving with the department as a volunteer EMT. She

began working full time with the department after earning her associates of applied science degree and her paramedic certification in 2001; and

WHEREAS, During her time with Sedgwick County EMS, Hamilton served in the capacity of team leader, inspiring other EMS crew members to become better clinicians. She also acted in the role of preceptor for paramedic students, demonstrating a commitment to the values of servant leadership that is second to none; and

WHEREAS, As an advocate and supporter of patient care and EMS education, Hamilton champions a "just culture" management philosophy, facilitating coworkers' personal safety while identifying areas for improvement; and

WHEREAS, In October 2017, Hamilton was promoted to her current position of QA education coordinator, with the rank of major, where she continues to foster leadership throughout the department while evincing a steadfast devotion to the EMS profession, her colleagues, and the surrounding community: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Angela Hamilton of Sedgwick County EMS for being named 2018 Paramedic of the Year by the National Association of Emergency Medical Technicians. Angela Hamilton exemplifies those qualities of leadership and excellence that we associate with the very best of Kansans. We applaud her tenacity and resolve, and we extend our best wishes for her continued success and happiness; and

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

On emergency motion of Senator Suellentrop **SR 1705** was adopted by voice vote. Senators honored Ms. Hamilton with a standing ovation.

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

SENATE RESOLUTION No. 1706—

A RESOLUTION recognizing Jack Whitson's dedicated service to Park City.

WHEREAS, Jack Whitson began his career in 1979 by spearheading efforts to incorporate Park City, a community he would serve in many capacities for more than 40 years; and

WHEREAS, Serving in the Air Force initially led Jack to Park City, where the Tennessee native joined the community and became a member of the local Jaycees club. Together, Jack and the club incorporated the town, inspired the incorporation of neighboring Bel Aire, and received national recognition; and

WHEREAS, In the early 1990s, Jack served on the first City Council of Park City, the local chamber, and as Park City's first mayor. Then, in 1995, Jack began to work for the city and oversee many of its operations including zoning, economic development, public works, and code enforcement; and

WHEREAS, In 2005, Jack became Park City's first administrator, or city manager, growing and strengthening the city for more than 10 years. Jack's tireless service to Park City has lasted as long as the city has existed; and

WHEREAS, Those celebrating Jack's retirement recall his leadership and successes in bringing business to the area, improving local housing and building a strong reputation for Park City: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize Jack Whitson's service to Park City, and we wish him all the best during his well-deserved retirement; and

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

On emergency motion of Senator McGinn **SR 1706** was adopted by voice vote. Senators honored Mr. Whitson with a standing ovation.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **SB 9** be passed.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Thursday, January 31, 2019.

Journal of the Senate

THIRTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, January 31, 2019, 2:30 p.m.

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

Lord, God, we're here today, continuing in the fight for freedom; for the freedom of this nation as well as individual, personal freedoms. But Lord, keep us in tune with why You give us these freedoms.

Exodus 20, verse 1 shares with us what You chose to focus on...You gave freedom to Your people. Verse 2 then follows with what You want Your people to focus on...the Ten Commandments; Your vertical and horizontal standards for righteousness.

You give us this freedom, so we can make choices. But for our good and Your glory, You want to guide those choices. You free us from the damning enslavement, of the "I couldn't help myself" syndrome; You free us from the self-centered, gravitational pull of "I want it MY way!"; that we may then pursue wanting it YOUR way!

You have created, and freed us to live in this world, yet not be controlled by this world; that as Godly men and women representing Your authority, our choices may just be countersignatures; ratifying Your ultimate will and the ways You want us to apply Your will.

Lord, after all is said and done, let it be that the exercise of our Godly freedom brought on greater and greater degrees of liberty. In the Name of Jesus, I thank You for the freedoms that we enjoy. Amen

The Pledge of Allegiance was led by Vice President Longbine.

POINT OF PERSONAL PRIVILEGE

Senator Faust-Goudeau rose on a Point of Personal Privilege to speak in honor of Black History Month, which begins February 1. Guests introduced were Janice Thacker, representing the 8th Annual Art that Touches Your Heart competition, and Verlene Mahomes, Passionate Petals Fine Arts.

Senators honored the guests with applause.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 61, AN ACT concerning health and healthcare; relating to the practice of podiatry; classification as a branch of the healing arts; qualifications; scope of practice; amending K.S.A. 65-2002, 65-2802 and 65-2872 and repealing the existing sections, by

Committee on Public Health and Welfare.

SB 62, AN ACT regulating traffic; concerning authorized emergency vehicles; relating to police vehicles; exempting police vehicle drivers engaged in certain actions from audible or visual signal requirements, by Committee on Transportation.

SB 63, AN ACT concerning transportation network company vehicles; relating to authorized lights, city ordinances; amending K.S.A. 2018 Supp. 8-1729 and repealing the existing section, by Committee on Transportation.

SB 64, AN ACT concerning the attorney general; relating to sexual abuse committed by a minister of religion; investigation; inquisition; state grand jury; amending K.S.A. 2018 Supp. 22-3001 and repealing the existing section, by Senator Holland.

SB 65, AN ACT concerning the attorney general; relating to corruption committed by a public officer or public employee; investigation; inquisition; state grand jury; amending K.S.A. 2018 Supp. 22-3001 and repealing the existing section, by Senator Holland.

SB 66, AN ACT concerning insurance; relating to insurance holding companies; exempting certain domestic insurers from filing enterprise risk reports; amending K.S.A. 2018 Supp. 40-3305 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 67, AN ACT concerning life insurance; establishing the unclaimed life insurance benefits act, by Committee on Financial Institutions and Insurance.

SB 68, AN ACT concerning cities; relating to a valid contract franchise ordinance and wireless service providers; prohibitions; amending K.S.A. 2018 Supp. 12-2001 and repealing the existing section, by Committee on Utilities.

SB 69, AN ACT concerning the state corporation commission; requiring a study of electric utilities; relating to just and reasonable electric rates; electric rate changes, report to the legislature; amending K.S.A. 66-101b and 66-117b and repealing the existing sections, by Committee on Federal and State Affairs.

SB 70, AN ACT concerning alcoholic beverages; relating to temporary permits; amending K.S.A. 2018 Supp. 41-308a, 41-719, 41-2601 and 41-2608 and repealing the existing sections; also repealing K.S.A. 2018 Supp. 41-347 and 41-2645, by Committee on Federal and State Affairs.

SB 71, AN ACT concerning postsecondary education; relating to the state board of regents; eliminating the expiration of the postsecondary technical education authority; requiring an annual report; amending K.S.A. 74-32,402 and repealing the existing section; also repealing K.S.A. 74-32,404, by Committee on Education.

SB 72, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2019, June 30, 2020, June 30, 2021, June 30, 2022, June 30, 2023, and June 30, 2024, for the state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2018 Supp. 75-4209 and 75-6706 and repealing the existing sections; also repealing K.S.A. 2018 Supp. 75-6707, by Committee on Ways and Means.

SB 73, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; amortizing a certain portion of actuarial accrued liability of the system for a period of 30 years; eliminating certain level-dollar employer contribution payments; establishing procedures for lapsing and decreasing certain

amounts of employer contributions for state agencies for the fiscal year ending June 30, 2020; amending K.S.A. 74-4920 and repealing the existing section, by Committee on Ways and Means.

SB 74, AN ACT concerning retirement and benefits; relating to the Kansas public employees retirement system and systems thereunder; providing a cost-of-living adjustment for certain retirants, by Committee on Ways and Means.

SB 75, AN ACT making and concerning appropriations for fiscal years ending June 30, 2020, June 30, 2021, and June 30, 2022, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 74-50,107 and 74-99b34 and K.S.A. 2018 Supp. 2-223, 12-1775a, 12-5256, 55-193, 75-2263, 76-775, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,171, 79-4804 and 82a-953a and repealing the existing sections, by Committee on Ways and Means.

SB 76, AN ACT concerning sales and compensating use tax; rates, food and food ingredients; amending K.S.A. 2018 Supp. 79-3602, 79-3603, 79-3620, 79-3703 and 79-3710 and repealing the existing sections, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 60**.

Ethics, Elections and Local Government: **SB 56**.

Federal and State Affairs: **SB 59**.

Judiciary: **SB 58**.

Ways and Means: **SB 57**.

COMMUNICATIONS FROM STATE OFFICERS

January 31, 2019

Vicki Schmidt, Commissioner of Insurance, submitted the 2018 Annual Report.

February 23, 2019

Kirk D. Thompson, Director; Kansas Bureau of Investigation, submitted the annual report of the KBI State Forfeiture Fund.

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

REPORT ON ENROLLED BILLS

SR 1703, **SR 1704**, **SR 1705**, **SR 1706** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 31, 2019.

On motion of Senator Denning, the Senate adjourned pro forma until 9:00 a.m., February 1, 2019.

Journal of the Senate

FOURTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 1, 2019, 8:00 a.m.

The Senate was called to order Pro Forma by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 77, AN ACT concerning children and minors; relating to children with problem sexual behavior; Kansas department for children and families; voluntary services, by Committee on Judiciary.

SB 78, AN ACT concerning consumer protection; relating to assignment of rights or benefits to a residential contractor under a property and casualty insurance policy insuring residential real estate, by Committee on Judiciary.

SB 79, AN ACT regulating traffic; concerning turning lanes; left-hand lane turns at intersection; amending K.S.A. 8-1545 and repealing the existing section, by Committee on Transportation.

SB 80, AN ACT concerning crimes, punishment and criminal procedure; relating to criminal possession of a weapon by a convicted felon; ammunition; increasing penalty; amending K.S.A. 2018 Supp. 21-6304 and repealing the existing section, by Committee on Judiciary.

SB 81, AN ACT concerning motor vehicles; relating to fleeing or attempting to elude a police officer; theft; evidence of intent to deprive an owner of possession; amending K.S.A. 2018 Supp. 8-1568, 21-5801 and 21-5804 and repealing the existing sections, by Committee on Judiciary.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 76**.

Education: **SB 71**.

Federal and State Affairs: **SB 64**, **SB 70**.

Financial Institutions and Insurance: **SB 66**, **SB 67**.

Judiciary: **SB 65**.

Public Health and Welfare: **SB 61**.

Transportation: **SB 62**, **SB 63**.

Utilities: **SB 68**, **SB 69**.

Ways and Means: **SB 72**, **SB 73**, **SB 74**, **SB 75**.

CHANGE OF REFERENCE

The President withdrew **SB 59** from the Committee on **Federal and State Affairs**, and referred the bill to the Committee on **Ethics, Elections and Local Government**.

REPORTS OF STANDING COMMITTEES

The **Select Committee on Federal Tax Code Implementation** recommends **SB 22** be amended on page 9, in line 41, by striking all after "income"; in line 42, by striking all before "under";

On page 10, in line 3, by striking all after "income"; in line 4, by striking all before "under"; in line 23, by striking all after "(g)"; by striking all in lines 24 and 25 and inserting "Any changes to this section that became law on July 1, 2019, shall be applied retroactively to the dates indicated in those subsections.";

On page 13, in line 39, after "thereto" by inserting ", or amounts added back pursuant to K.S.A. 79-32,117(b)(xxvii) and (xxviii), and amendments thereto";

On page 14, in line 18, by striking all after "(f)"; by striking all in lines 19 and 20 and inserting "Any changes to this section that became law on July 1, 2019, shall be applied retroactively to the dates indicated in those subsections."; and the bill be passed as amended.

TRIBUTES

The Committee on **Organization, Calendar, and Rules** authorizes the following tributes for the week of January 28 through February 1, 2019:

Senator Baumgardner: congratulating and commending the Dragon Prints program at Belle Plaine High School;

Senator Bowers: congratulating the Smith Center High School Football Team on winning its 10th State Championship, congratulating Michele Hinger on being named the Rooks County Health Center 2018 Employee of the Year, congratulating the Phillipsburg High School Football Team on winning the 2018 2A State Championship, congratulating Hanover High School on winning the 2018 8-Man Division II State Championship, congratulating the Nathan and Deanna Myers Family on being named the 2019 Russell Main Street, Inc. Family of the Year;

Senator Braun: congratulating Sharon Louise Kuchinski on being named a Regional Teacher of the Year and a Kansas Teacher of the Year Nominee, congratulating Joey Denney on being named the Humanitarian of the Year by the Leavenworth-Lansing Area Chamber of Commerce;

Senator Faust-Goudeau: honoring the life of Delores Davies, honoring the life of Audrey D. Graves; and

Senator Hilderbrand: congratulating Johanna Walker on winning First Place in the Eighth Grade Division of the Happy Birthday, Kansas! Photo Contest.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Monday, February 4, 2019.

Journal of the Senate

FIFTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 4, 2019, 2:30 p.m.

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

All Knowing, Most Gracious, Most Loving God of Heaven and earth, we come before You today realizing that You have granted to us an abundance of mercy in that You have relieved us from some of the consequences of our unholy choices. You tell us in Lamentations 3:22-23, that Your love and mercies are new every day. Your grace toward us does not fail. Help us to love and serve others like You love and serve us.

In John 13, You provided a living example that we are to follow Jesus, as the authoritative and exalted leader of His disciples. He humbled Himself and showed us how to serve, how to care for people even when they're not in tune with you and resistant to what you're doing.

Knowing that Judas was opposed to Him and would betray Him, He still humbled Himself and served him; while at the same time He was serving others who supported Him. He washed the feet of His betrayer. The principle He puts forth is that the extent of our love, concern and service to others is not to be hindered, diminished or withheld just because they resist us, and we know who they are. Their feet need washing too!

So Lord, help us to love the unlovely; to serve and care for those who come against us. We're just trainees, and You want us to learn by doing. So, Lord, help us regard our opposition as training opportunities. And when we're struggling with the change that it may require just remind us to do like Michael Jackson said and look at the man in the mirror. Improvements are needed there as well.

By Your Spirit of love, mercy and graciousness, please motivate us to be more like You. I come to You in the Name of Jesus. Amen!

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 82, AN ACT concerning financial institutions; relating to the state banking code; form of delivery of certain notices; certificates of existence; conversion to state banks; amending K.S.A. 2018 Supp. 9-550, 9-808, 9-908 and 9-1506 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 83, AN ACT concerning courts; increasing the credit to the EMS revolving fund

from district court fines, penalties and forfeitures; amending K.S.A. 74-7336 and repealing the existing section, by Committee on Federal and State Affairs.

SB 84, AN ACT concerning the Kansas act against discrimination and acts supplemental thereto; relating to sexual orientation and gender identity or expression; amending K.S.A. 12-16,107, 44-1001, 44-1004, 44-1009, 44-1015, 44-1016, 44-1017, 44-1027 and 44-1030 and K.S.A. 2018 Supp. 44-1002, 44-1005 and 44-1006 and repealing the existing sections, by Senators Bollier, Berger, Doll, Faust-Goudeau, Francisco, Givens, Haley, Hardy, Hawk, Hensley, Holland, McGinn, Miller, Pettey, Skubal, Sykes, Taylor and Ware.

SB 85, AN ACT concerning crimes, punishment and criminal procedure; relating to domestic battery; sentencing; amending K.S.A. 2018 Supp. 21-5414 and repealing the existing section, by Committee on Judiciary.

SB 86, AN ACT concerning crimes, punishment and criminal procedure; relating to driving under the influence; sentencing; amending K.S.A. 2018 Supp. 8-1567 and repealing the existing section, by Committee on Judiciary.

SB 87, AN ACT concerning district courts; relating to persons with suspended drivers' licenses, amnesty agreements, by Committee on Judiciary.

SB 88, AN ACT concerning crimes, punishment and criminal procedure; relating to violation of a protective order; criminal penalties; amending K.S.A. 2018 Supp. 21-5924 and repealing the existing section, by Committee on Judiciary.

SB 89, AN ACT concerning the Kansas criminal justice coordinating council; relating to the substance abuse policy board; membership and duties; amending K.S.A. 74-9501 and repealing the existing section, by Committee on Judiciary.

SB 90, AN ACT concerning economic development; relating to the center for entrepreneurship act; extending the tax credit for contributions to financial institutions and increasing the annual credit available for all contributors; amending K.S.A. 74-99c09 and repealing the existing section, by Committee on Commerce.

SB 91, AN ACT concerning taxation; relating to income tax; establishing the golden years homestead property tax freeze act, residential property tax refunds; providing homestead property tax refund to renters; amending K.S.A. 2018 Supp. 79-4501, 79-4502, 79-4508, 79-4509, 79-4511 and 79-4522 and repealing the existing sections, by Senators Holland, Baumgardner, Doll, Faust-Goudeau, Haley, Hawk, Lynn, Pettey and Sykes.

SB 92, AN ACT concerning workers compensation; relating to the use of medical guides for the determination of impairment; amending K.S.A. 2018 Supp. 44-510d and 44-510e and repealing the existing sections, by Senators Holland, Bollier, Doll, Faust-Goudeau, Francisco, Hawk, Hensley and Pettey.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Judiciary: **SB 77**, **SB 78**, **SB 80**, **SB 81**.

Transportation: **SB 79**.

COMMITTEE OF THE WHOLE

On motion of Senator Denning, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders

with Senator Petersen in the chair.

On motion of Senator Petersen the following report was adopted:

SB 9 be passed.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Tuesday, February 5, 2019.

Journal of the Senate

SIXTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 5, 2019, 2:30 p.m.

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

Heavenly Father, through the Prophet Isaiah, in chapter 40:6-8, You declare that all of us are like grass, in that our bodies dry up and don't last. And the day will come when Maybelline, Clairol, male and female enhancements will all fail. Like the beautiful flower of the field, all our physical beauty will one day be gone.

The songwriter put it this way, "There's a leak in this old building." It's gradually deteriorating and the day will come when we've got to move. In 2 Corinthians 5:1-5, our bodies are compared to tents, and tents are not meant to be permanent dwelling places. When it's time to move, the stakes are pulled and the tent sags and folds. Lord, we can't get away from the fact that a "sagging and folding" day is coming for each of us.

Our tents are leaking and beginning to lean. But in that Isaiah passage, You contrast our frailness and brevity of life with Your Holy Word which shall never fade and stands firm forever! With all of that in mind Lord, it just stands to reason that the best way to deal with the "leak" is to employ the Divine, everlasting principles of Your Holy Word.

So Lord, as we labor in the frailness and uncertain instability of these tents, we're trying to serve Your purposes by serving others. So Lord, help us! Put a patch on some of our leaks and help us go on just a little while longer. I come to You in the precious Name of Jesus. Amen and Amen!

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 93, AN ACT concerning health and healthcare; relating to health insurance plans; prescription medication; step therapy protocols, by Committee on Public Health and Welfare.

SB 94, AN ACT concerning motor vehicle insurance; relating to reductions in premiums; approved motor vehicle accident prevention courses; pertaining to course duration and approving entities; amending K.S.A. 40-1112a and repealing the existing section, by Committee on Transportation.

SB 95, AN ACT concerning criminal procedure; relating to carrying out a sentence of death; transferring certain duties from the secretary of health and environment to the

state board of pharmacy and state board of healing arts; amending K.S.A. 22-4001 and repealing the existing section, by Committee on Ways and Means.

SB 96, AN ACT concerning criminal procedure; relating to carrying out a sentence of death; inspections of areas in a state correctional facility designated by the secretary of corrections for use in carrying out a sentence of death; amending K.S.A. 22-4002 and repealing the existing section, by Committee on Ways and Means.

SB 97, AN ACT concerning motor vehicles; relating to fleet rental vehicles; registrations; creating the fleet rental vehicle administration fund; amending K.S.A. 2018 Supp. 8-145 and repealing the existing section, by Committee on Transportation.

SB 98, AN ACT concerning the Kansas expanded lottery act; relating to racetrack gaming facilities; relating to parimutuel racing of horses; amending K.S.A. 74-8741, 74-8744, 74-8746, 74-8747 and 74-8836 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 99, AN ACT concerning emergency medical services; relating to the emergency medical services board; powers and duties thereof; creating the designation of inactive certificate; relating to the authorized activities of certain emergency medical services providers; updating terminology and references related thereto; amending K.S.A. 65-16,127, 65-1728, 65-2891, 65-2913, 65-4915, 65-6001, 65-6102, 65-6110, 65-6111, 65-6112, 65-6119, 65-6120, 65-6124, 65-6126, 65-6127, 65-6129, 65-6129a, 65-6129b, 65-6130, 65-6133, 65-6135, 65-6145, 65-6150, 74-4954a and 80-1557 and K.S.A. 2018 Supp. 8-1,159, 21-6326, 39-1402, 39-1431, 40-2141, 44-131, 44-508, 44-510h, 44-511, 44-1204, 75-4364 and 75-5664 and repealing the existing sections; also repealing K.S.A. 65-6123 and 65-6129c, by Committee on Federal and State Affairs.

SB 100, AN ACT concerning the Kansas sexually violent predator act; relating to transitional release or conditional release; residency restrictions; amending K.S.A. 2018 Supp. 59-29a11 and repealing the existing section, by Committee on Judiciary.

SB 101, AN ACT concerning driving; relating to driving under the influence of alcohol or drugs; suspension or restriction of driving privileges; amending K.S.A. 2018 Supp. 8-1014 and 8-1015 and repealing the existing sections, by Committee on Judiciary.

SB 102, AN ACT establishing the Kansas closed case task force; relating to identification and investigation relating to hits to the combined DNA index system (CODIS), by Committee on Judiciary.

SB 103, AN ACT concerning crimes, punishment and criminal procedure; relating to hate crimes; sentencing; amending K.S.A. 2018 Supp. 21-6804 and 21-6815 and repealing the existing sections, by Committee on Judiciary.

SB 104, AN ACT concerning income taxation; enacting the Kansas taxpayer protection act; relating to paid tax return preparers; requiring a signature and tax identification number on returns and claims; authorizing actions by the secretary of revenue to enjoin certain conduct, by Committee on Select Committee on Federal Tax Code Implementation.

Senate Concurrent Resolution 1604—

By Senator Kerschen

A PROPOSITION to amend section 1 of the bill of rights of the constitution of the state of Kansas, relating to equal rights

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

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

"§ 1. Equal rights. All men are possessed of equal and inalienable natural rights, among which are life, liberty, and the pursuit of happiness. *Recognizing the authority of the state of Kansas to exercise its police power and its sovereign right to adopt individual liberties in the constitution of the state of Kansas more expansive than those conferred by the constitution of the United States, the state of Kansas shall hereby guarantee the inalienable rights, equal protection and due process of law of every human being from the beginning of the biological development of that human being, including fertilization.*"

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

"Explanatory statement. The purpose of this amendment is to expand the class of human beings who currently enjoy inalienable rights, equal protection, and due process of the law under the constitution of the state of Kansas to every human being from the beginning of the biological development of that human being, including fertilization.

"A vote for this proposition would amend the Kansas constitution to explicitly incorporate into it the inalienable right to life of every human being irrespective of age, race, gender, health, function, condition of dependency, including physical or mental dependency, or method of reproduction, from the beginning of their biological development, including fertilization. The proposed constitutional amendment also would prohibit the state from discriminating against any class of human beings in the application, interpretation and enforcement of its laws.

"A vote against this proposition would not amend the constitution, in which case the current federally mandated legal status of preborn humans would remain that of a class of human beings that can intentionally be killed."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2020, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 91.**

Commerce: **SB 90, SB 92.**

Financial Institutions and Insurance: **SB 82.**

Judiciary: **SB 83, SB 84, SB 85, SB 86, SB 87, SB 88, SB 89.**

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 9, AN ACT making and concerning appropriations for the fiscal year ending June 30, 2019, for the Kansas public employees retirement system; authorizing certain transfers from the state general fund to the Kansas public employees retirement fund, was considered on final action.

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

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

The bill passed.

EXPLANATION OF VOTE

Mr. Vice President: I vote "Yes" on **Senate Bill 9**. I am supportive of having KPERS be actuarially strong, but I also believe we must be fiscally responsible and exercise caution with the ending balance. Revenue is still stabilizing and there is much uncertainty for our future. It is not a matter of if, but a matter of when, the next economic downturn occurs. We have to be prepared for that. The governor has proposed a balanced, commonsense budget that accounts for our state's fragile financial outlook while still investing in schools, roads, and healthcare. It even includes an alternative proposal for KPERS that makes it more affordable by reducing the payment and more stable by reducing risk of skipping payments. However, **Senate Bill 9** was not taken into consideration within the context of the entire budget, and it should have been. Although I would have preferred to weigh the benefits of the full picture – **Senate Bill 9** and the governor's budget – to determine what is truly best for our KPERS system and our fiscal situation, I vote "Yes."—PAT PETTEY

Senators Bollier, Faust-Goudeau, Francisco, Haley, Hawk, Holland and Sykes request the record to show they concur with the "Explanation of Vote" offered by Senator Pettey on **SB 9**.

Mr. Vice President: I support transferring funds to make up for deferred employer contributions to our Kansas Public Employee Retirement System (KPERS) by the Legislature, however we need to acknowledge the payments that were made. In addition to committing to "layering" payments addressing the \$64.1 million reduction in FY 2017 and the \$194 million reduction in FY 2019, there were transfers of \$82 million and \$56 million made in FY 2018. That \$138 million is \$23 million above the \$115 million we are told we owed for principal and interest on the deferred payments from FY 2016. We have complicated this issue with the various delays in payments and repayment plans. I think the transfer in **SB 9** should have taken place after a thorough discussion of the Governor's proposals and our overall budget as we address KPERS over the coming years. — MARCI FRANCISCO

Senator Hawk requested the record show he concurs with the “Explanation of Vote” offered by Senator Francisco on **SB 9**.

COMMUNICATIONS FROM STATE OFFICERS

February 4, 2019

Colonel Mark A. Bruce, Superintendent, submitted the Kansas Highway Patrol annual report regarding state forfeiture funds.

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

REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **SB 28** be passed.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Wednesday, February 6, 2019.

Journal of the Senate

SEVENTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 6, 2019, 2:30 p.m.

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

The roll was called with 40 senators present.

Invocation by Reverend Cecil T. Washington:

Lord, we bow our heads, to indicate an inward bowing of our souls.

There's a lot of discussion going on today, about the state of the union and about the condition of this nation we call home. Much of the dialogue and debate touches on the true status or quality of our existence and how to make improvements.

Some argue for one way; others, for another way. To whom do we listen? Who is making the determination and by what means? How is the state or quality of our existence to be measured?

Of all the various ideas put forth on how to improve the state or quality of our living, there's one that tends to rise above them all. In Psalm 33:12, You give us the answer with these words: "Blessed (prosperous and to be envied) is the nation whose God is the Lord!" Proverbs 14:34 reveals that Your standard of Righteousness is what elevates a nation.

So, "In God We Trust" was added to our currency, and was added as our official motto. "Under God" was also added to our Pledge of Allegiance. So, the call to "Make America Great Again" has to rely on "Making America PRAY again!"

Lord, may the state of our homeland and the state of each of us as individuals be determined by the degree to which we bow in submission and trust to You. I appeal to You on behalf of us all, in the powerful, precious Name of Jesus. Amen!

The Pledge of Allegiance was led by Vice President.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 105, AN ACT concerning cities; relating to elections; amending K.S.A. 25-313 and K.S.A. 2018 Supp. 25-2120 and repealing the existing sections, by Committee on Ethics, Elections and Local Government.

SB 106, AN ACT concerning the attorney general; relating to civil actions for wrongful conviction and imprisonment; collateral actions; amending K.S.A. 2018 Supp. 60-5004 and repealing the existing section, by Committee on Judiciary.

SB 107, AN ACT concerning insurance; relating to attorney fees in certain actions; amending K.S.A. 40-908 and repealing the existing section, by Committee on Judiciary.

SB 108, AN ACT concerning children; relating to crimes and punishment;

involuntary manslaughter; abuse of a child; revised code for care of children; presumption of unfitness; amending K.S.A. 2018 Supp. 21-5405, 21-5602 and 38-2271 and repealing the existing sections, by Committee on Judiciary.

SB 109, AN ACT repealing the Kansas uninsurable health insurance plan act; amending K.S.A. 40-3232 and repealing the existing section; also repealing K.S.A. 40-2117, 40-2119, 40-2121, 40-2125, 40-2126, 40-2128, 40-2129, 40-2130 and 40-2131 and K.S.A. 2018 Supp. 40-2118, 40-2120, 40-2122, 40-2123, 40-2124 and 40-2127, by Committee on Financial Institutions and Insurance.

SB 110, AN ACT concerning agriculture; relating to confined feeding facilities for chickens; health impact assessment, by Senator Holland.

SB 111, AN ACT concerning agriculture; relating to poultry confinement facilities; providing for the establishment thereof in a county; amending K.S.A. 2018 Supp. 17-5903 and 17-5904 and repealing the existing sections, by Senator Holland.

SB 112, AN ACT concerning agriculture; relating to poultry processing facilities and poultry slaughter facilities; providing for the establishment thereof in a county; amending K.S.A. 2018 Supp. 17-5903 and 17-5904 and repealing the existing sections, by Senator Holland.

SB 113, AN ACT concerning health and healthcare; enacting the veterans first medical cannabis act; relating to medical cannabis; providing for registration of patients; licensure of medical cannabis grower-distributors and medical cannabis dispensaries; establishing the cannabis regulatory commission; taxation of cannabis; amending K.S.A. 65-2836, 65-28a05, 65-28b08 and 79-5210, K.S.A. 2017 Supp. 65-1120, as amended by section 5 of chapter 42 of the 2018 Session Laws of Kansas, and K.S.A. 2018 Supp. 21-5703, 21-5705, 21-5706, 21-5707, 21-5709, 21-5710, 79-3606 and 79-5201 and repealing the existing sections, by Senators Holland, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Miller and Pettey.

SB 114, AN ACT concerning payment of healthcare costs of persons in custody of governmental entities; amending K.S.A. 2018 Supp. 22-4612 and repealing the existing section, by Committee on Federal and State Affairs.

SB 115, AN ACT concerning elections; enacting the interstate compact on the agreement among the states to elect the president by national popular vote; amending K.S.A. 25-802 and 25-804 and repealing the existing sections, by Senator Haley.

SB 116, AN ACT concerning elections; relating to petitions; concerning recognition of political parties; amending K.S.A. 2018 Supp. 25-302a and 25-3602 and repealing the existing sections, by Committee on Ethics, Elections and Local Government.

SB 117, AN ACT concerning domestic animals; relating to the animal health commissioner; treatment and transportation of diseased dogs and cats; amending K.S.A. 2018 Supp. 47-635 and repealing the existing section; also repealing K.S.A. 2018 Supp. 47-646a, by Committee on Agriculture and Natural Resources.

SB 118, AN ACT concerning counties; relating to closure of county hospitals, debts or obligations; amending K.S.A. 19-4625 and repealing the existing section, by Committee on Federal and State Affairs.

SB 119, AN ACT concerning courts; relating to specialty courts; supreme court rules; ex parte communications, by Senator Haley.

Senate Concurrent Resolution 1605—

By Committee on Ethics, Elections and Local Government

A PROPOSITION to amend section 1 of article 10 of the constitution of the state of Kansas; relating to reapportionment of senatorial and representative districts.

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

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 1 of article 10 of the constitution of the state of Kansas is hereby amended to read as follows:

"§ 1. Reapportionment of senatorial and representative districts. (a) ~~At its regular session in 1989, the legislature shall by law reapportion the state representative districts, the state senatorial districts or both the state representative and senatorial districts upon the basis of the latest census of the inhabitants of the state taken by authority of chapter 61 of the 1987 Session Laws of Kansas. At its regular session in 1992, and at its regular session every tenth year thereafter, the legislature shall by law reapportion the state senatorial districts and representative districts on the basis of the population of the state as established by the most recent census of population taken and published by the United States census bureau of the census. Senatorial and representative districts shall be reapportioned upon the basis of the population of the state adjusted: (1) To exclude nonresident military personnel stationed within the state and nonresident students attending colleges and universities within the state; and (2) to include military personnel stationed within the state who are residents of the state and students attending colleges and universities within the state who are residents of the state in the district of their permanent residence. Bills reapportioning legislative districts shall be published in the Kansas register immediately upon final passage and shall be effective for the next following election of legislators and thereafter until again reapportioned.~~

(b) Within 15 days after the publication of an act reapportioning the legislative districts within the time specified in (a), the attorney general shall petition the supreme court of the state to determine the validity thereof. The supreme court, within 30 days from the filing of the petition, shall enter its judgment. Should the supreme court determine that the reapportionment statute is invalid, the legislature shall enact a statute of reapportionment conforming to the judgment of the supreme court within 15 days.

(c) Upon enactment of a reapportionment to conform with a judgment under (b), the attorney general shall apply to the supreme court of the state to determine the validity thereof. The supreme court, within 10 days from the filing of such application, shall enter its judgment. Should the supreme court determine that the reapportionment statute is invalid, the legislature shall again enact a statute reapportioning the legislative districts in compliance with the direction of and conforming to the mandate of the supreme court within 15 days after entry thereof.

(d) Whenever a petition or application is filed under this section, the supreme court, in accordance with its rules, shall permit interested persons to present their views.

(e) A judgment of the supreme court of the state determining a reapportionment to be valid shall be final until the legislative districts are again reapportioned in accordance therewith.”

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

"Explanatory statement. The purpose of this amendment is to eliminate the adjustment of census taken by the United States census bureau regarding nonresident military personnel and nonresident students when reapportioning the Kansas senate and house of representatives.

"A vote for this proposition would eliminate the adjustment of census taken by the United States census bureau regarding nonresident military personnel and nonresident students when reapportioning the Kansas senate and house of representatives.

"A vote against this proposition would continue in effect the requirement for the adjustment of census taken by the United States census bureau regarding nonresident military personnel and nonresident students when reapportioning the Kansas senate and house of representatives."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2019, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 104.**

Federal and State Affairs: **SB 98, SB 99; SCR 1604.**

Judiciary: **SB 95, SB 96, SB 100, SB 101, SB 102, SB 103.**

Public Health and Welfare: **SB 93.**

Transportation: **SB 94, SB 97.**

COMMUNICATIONS FROM STATE OFFICERS

February 5, 2019

The Fiscal Year 2018 Annual Report of the Kansas Board of Indigents' Defense Services has been submitted.

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

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2044, HB 2063**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2044, HB 2063 were thereupon introduced and read by title.

COMMITTEE OF THE WHOLE

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

On motion of Senator Baumgardner the following report was adopted:

SB 22 be amended by the adoption of the committee amendments, and the bill be passed as amended.

Senator Holland moved **SB 22** be rereferred to the Committee on Select Committee on Federal Tax Code Implementation. The motion failed.

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

On roll call, the vote was: Yeas 12; Nays 28; Present and Passing 0; Absent or Not Voting 0.

Yeas: Bollier, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Miller, Pettey, Sykes, Taylor, Ware.

Nays: Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Denning, Doll, Estes, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Tyson, Wagle, Wilborn.

A motion by Senator Pyle to amend **SB 22** failed.

REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **SB 32** be amended on page 2, in line 29, by striking all after "coverage"; in line 30, by striking "insurance,."; in line 31, after the period by inserting "Notwithstanding any provision of law to the contrary, the healthcare benefit coverage described in this paragraph shall not be considered insurance. The risk under such coverage may be reinsured by a company authorized to conduct reinsurance in Kansas. Providers of healthcare benefit coverage shall file a signed, certified actuarial statement of plan reserves annually with the commissioner of insurance."; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 39** be passed.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Thursday, February 7, 2019.

Journal of the Senate

EIGHTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 7, 2019, 2:30 p.m.

The Senate was called to order by Vice President Longbine.

The roll was called with 40 senators present.

The Vice President introduced guest Chaplain, Reverend Sarah Oglesby-Dunegan, Unitarian Universalist Church of Topeka, and guest of Senator Miller, to deliver the invocation:

Spirit of Life and Love, God of many names and no name at all; here in this, the people's house, be with this body of leaders as they endeavor to serve communities across our state. Guide each heart and mind in making decisions that create sustainable communities with access to the resources of life and liberty for all. Guide each to build capacity and collaborate across differences, challenges and complexity.

Be with the people of Kansas, whose lives are impacted everyday by the decisions made here and whose voices are seldom heard here – teachers and children and youth in our schools and in programs like foster care and juvenile services, low wage workers struggling for adequate housing and healthcare, families in our domestic violence and homeless shelters, disabled people, the elderly, men and women serving time in jail or prison, military personnel and veterans, and immigrants working and contributing to our communities.

Walk with us in our discernment and guide us to listen and make careful decisions for the good of all people and places in this state. Guide these leaders and the many people who enter this building to look less for personal gain or expediency and endeavor instead for accountability and transparency to define the bottom line by more than money – to define it by the level of access and opportunity for all.

May we be a blessing to one another and this State of Kansas as You, Spirit of Life, have been a blessing to us. Although we pray with different names for the Holy, let our hearts be connected in unified purpose for the common good. May it ever be so, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 120, AN ACT concerning health and healthcare; providing for a certificate of authorization for a business entity to practice medicine; amending K.S.A. 65-2803, 65-2836 and 65-2877a and K.S.A. 2018 Supp. 40-3401 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 121, AN ACT concerning retirement and pensions; relating to the Kansas police

and firemen's retirement system; affiliation and membership of certain local adult and juvenile corrections employees, by Committee on Financial Institutions and Insurance.

SB 122, AN ACT concerning foster care; relating to foster care youth and certain former foster care youth; providing medicaid and educational services thereto, by Committee on Public Health and Welfare.

SB 123, AN ACT concerning sales taxation; relating to exemptions; kids need to eat, inc.; amending K.S.A. 2018 Supp. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

SB 124, AN ACT concerning the state corporation commission; relating to electric utilities; electric rates; certain charges prohibited; amending K.S.A. 66-117d and repealing the existing section, by Committee on Ways and Means.

SB 125, AN ACT concerning economic development; relating to rural opportunity zones; extending the time period for eligibility in the loan repayment program and the income tax credit; amending K.S.A. 74-50,223 and K.S.A. 2018 Supp. 79-32,267 and repealing the existing sections, by Senators Hilderbrand, Alley, Baumgardner, Berger, Billinger, Bowers, Doll, Estes, Givens, Goddard, Hawk, Longbine, Masterson, Olson, Petersen, Pyle, Rucker, Skubal, Suellentrop, Taylor and Wilborn.

SB 126, AN ACT concerning income taxation; relating to certain public utilities; exemption from income tax; income tax expenses, exclusion from retail rates; amending K.S.A. 79-32,113 and repealing the existing section, by Committee on Assessment and Taxation.

SB 127, AN ACT concerning public utilities; relating to recovery of income tax expenses; income tax reimbursement charge, by Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 110, SB 111, SB 112, SB 117.**

Assessment and Taxation: **HB 2063.**

Commerce: **HB 2044.**

Ethics, Elections and Local Government: **SB 105, SB 115, SB 116; SCR 1605.**

Financial Institutions and Insurance: **SB 109.**

Judiciary: **SB 106, SB 107, SB 108, SB 114, SB 119.**

Public Health and Welfare: **SB 113.**

Ways and Means: **SB 118.**

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1707—

A RESOLUTION recognizing February 7, 2019, as JAG-K Day at the Capitol

WHEREAS, Jobs for America's Graduates-Kansas (JAG-K) is a Section 501(c)(3) not-for-profit organization that partners with public schools, communities and employers to help students prepare for successful futures; and

WHEREAS, JAG-K is a state affiliate of the national JAG program, which operates in 35 states and territories. Its curriculum emphasizes graduation from high school and prepares students for postsecondary education or entering the workforce directly; and

WHEREAS, JAG-K is committed to partnering with students to overcome barriers to graduation from high school and prepare them for college or career pathways that will help them reach their full potential as leaders for their families, employers, communities, Kansas and our nation; and

WHEREAS, There are 81 JAG-K programs located in 38 school districts across Kansas during the 2018-19 school year. In addition to school districts, JAG-K partners include the Kansas Department for Children and Families and the Kansas Department of Education; and

WHEREAS, In a small group classroom setting, students explore career opportunities and learn the skills necessary to successfully transition to postsecondary education, military service or the workforce following their graduation; and

WHEREAS, JAG-K is an evidence-based program with objective performance measures; and

WHEREAS, JAG-K has a 98% graduation rate statewide and a 92% success rate statewide; and

WHEREAS, Nationally, JAG graduates are 230% more likely to be employed than peers not in a JAG program: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize February 7, 2019, as JAG-K Day at the Capitol; and

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

On emergency motion of Senator Estes **SR 1707** was adopted by voice vote.

Guests introduced were Ezariah Rodriguez, Ana Resendiz, Mekinzie Rojas, Bailey Pauley, Kristofer Tolman, Haydn Mason, Gage Mason, Bryar Belt, Carly Condella, Chuck Knapp and Bev Mortimer.

Senators honored the guests with applause.

Senators Kerschen, Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Denning, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Longbine, Lynn, McGinn, Miller, Olson, Petersen, Pettey, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1708—

A RESOLUTION honoring the Kansas Farm Bureau, its 105 county Farm Bureaus, and the many Kansas farmers and ranchers who provide food, fuel, and fiber to the citizens of Kansas and to people around the world.

WHEREAS, For 100 years, the Kansas Farm Bureau has played a critical role as the *Voice of Agriculture* throughout Kansas, the United States, and around the world; and

WHEREAS, In 1919, the Bureau was established as a grassroots organization by a group of members united in the belief that together they could better protect their way of life and achieve better futures for their families and communities; and

WHEREAS, The Bureau successfully defended Kansas' agricultural industry by lobbying for a constitutional amendment allowing for use-value appraisal of agricultural land. This enabled Kansas farms to continue operations without being devastated by high market values taxation; and

WHEREAS, The Bureau successfully mobilized to help pass a constitutional amendment that adjusted commercial property classification rates. Through its efforts, the Bureau helped thwart the opportunity to broaden the tax base with livestock and farm machinery; and

WHEREAS, The Bureau helped protect Kansas property rights through eminent domain reform. In 2006, these efforts culminated in the passage of Substitute for Senate Bill No. 323; and

WHEREAS, The Bureau has long played a critical role in safeguarding property rights through the protection of natural resources; and

WHEREAS, As part of a coalition including the American Farm Bureau, the Kansas Corn Growers Association, and other farm bureaus from Colorado, New Mexico, and Texas, the Bureau successfully challenged the U.S. Fish and Wildlife Service's April 2014 decision to list the lesser prairie chicken as a threatened species; and

WHEREAS, The Bureau advocates, educates, and serves Kansas farmers and ranchers through a wide range of programs, including agriculture education, leadership development, legal defense, rural development, and international trade. Through its work, the Bureau is dedicated to offering common sense solutions to challenges facing agriculturalists, small business owners, and rural communities; and

WHEREAS, Currently, the Bureau is working to ensure every Kansan has access to high-speed broadband service, no matter where they live and work. The Bureau believes high-speed service is vital to emergency services, educational opportunities, and precision agriculture. The Bureau is also seeking affordable solutions to ensure all members have access to health care; and

WHEREAS, The Bureau reaffirms it will continue to inform when needed, protect when challenged, and fight for the lives of rural Kansans and their communities: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we honor the Kansas Farm Bureau, its 105 county Farm Bureaus, and the many Kansas farmers and ranchers who provide food, fuel, and fiber to the citizens of Kansas and to people around the world. Through its leadership and devotion to the citizens and communities of rural Kansas, the Kansas Farm Bureau embodies the spirit and qualities we associate with the very best of Kansans; and

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

On emergency motion of Senator Kerschen **SR 1708** was adopted by voice vote. Senators honored the Farm Bureau guests with a standing ovation.

Senator Hensley introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1709—

A RESOLUTION congratulating and commending
2018 Milken Educator Award winner Linda Dishman.

WHEREAS, The Milken Educator Awards program, established by the Milken Family Foundation, recognizes the top educators in the country. Often deemed the "Oscars" of the teaching world, the program provides awards to elementary and secondary school teachers, principals, and other educational professionals who inspire excellence; and

WHEREAS, Linda Dishman, educator at Berryton Elementary School in Shawnee Heights USD 450, has been selected as the Kansas recipient of the 2018 Milken Educator Award; and

WHEREAS, The award was presented to Dishman in person by the Milken Family Foundation's co-founder Lowell Milken alongside former Governor Jeff Colyer in front of the students and staff at Berryton Elementary on October 12, 2018; and

WHEREAS, Dishman is the only award winner from Kansas among this year's 40 honorees. The award includes a \$25,000 cash prize; and

WHEREAS, Dishman earned her bachelor's degree in elementary education from Washburn University in 2012 and a master's degree in education from Fort Hays State University in 2018; and

WHEREAS, All Milken Educator Award winners will convene at the Milken Educator Forum in Washington, D.C., for professional development opportunities to continue and strengthen their teaching and leadership excellence: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Linda Dishman for being an outstanding Kansas educator and receiving the 2018 Milken Educator Award; and

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

On emergency motion of Senator Hensley **SR 1709** was adopted by voice vote.

Guests introduced were Linda Dishman, Renae Hansen, Eric Deitcher, Erica Price, Rosa Cavazos, Marty Stessman, Stacy Giebler, Lauren Tice Miller and Ann Mah.

Senators honored Linda and guests with a standing ovation.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 22, AN ACT concerning taxation; relating to income tax; addition and subtraction modifications, treatment of deferred foreign income, global intangible low-taxed income, business interest, capital contributions and FDIC premiums; Kansas itemized deduction, election; amending K.S.A. 2018 Supp. 79-32,117, 79-32,120 and 79-32,138 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 26; Nays 14; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Denning, Estes, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rucker, Suellentrop, Tyson, Wagle, Wilborn.

Nays: Bollier, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Miller, Pettey, Skubal, Sykes, Taylor, Ware.

The bill passed.

EXPLANATION OF VOTE

Mr. Vice President: I vote in support of **SB 22** with considerable reservations. I understand and support providing the opportunity for 1000's of Kansans to itemize their deductions which **SB 22** accomplishes. I also see the need to be competitive with other states in not taxing repatriated funds. It seems to me that not approving this provision would put Kansas at a disadvantage as the state not only actively recruits companies and industries to Kansas but also as it makes strong efforts to grow existing business in the state. However the lack of a reliable estimate on the fiscal impact of **SB 22** is very troubling. Kansas is a state that has a very fragile economy and we have now had two months with lower than expected revenues. It is my expectation that the fiscal impact of this bill be monitored carefully to avoid any deleterious consequences for the State of Kansas.—ED BERGER

Senators Billinger, Bowers, Givens, Hardy, Lynn, McGinn and Petersen request the record to show they concur with the "Explanation of Vote" offered by Senator Berger on **SB 22**.

Mr. Vice President: At this time, I find it fiscally irresponsible to support a change to our tax code that diminishes our state revenues, especially when the actual amount is speculative. When the legislature has presented and passed a budget, we can then move forward assessing our revenue stream and make changes to our tax code while funding those programs we find essential to the people of Kansas. Until we have fully funded our public schools, eliminated our waiting lists for home and community-based services, and brought back our federal dollars to expand Medicaid, I vote "NO" on **SB 22**.—BARBARA BOLLIER

Senators Francisco, Hawk, Hensley, Pettey and Sykes request the record to show they concur with the "Explanation of Vote" offered by Senator Bollier on **SB 22**.

Mr. Vice President: I vote "NO" on **SB 22**. As we discuss the impact of tax policy changes at the federal level on our state taxes, I hope we would focus on issues of equity, adequacy, and ease of administration. Eliminating taxes on repatriation and GILTI business income raises concerns of both equity and adequacy; allowing Kansas filers to itemize deductions even if they choose to take the standard Federal deduction makes it more difficult and expensive to administer. The change in the Federal standard deduction expires in 2025. It is estimated that the costs of making changes for this at the state level will be nearly \$820,000 in FY 2020; there will be continuing costs for auditing. These costs will be paid by Kansas taxpayers. As we continue the discussion on taxes, I hope we look to different proposals such as increasing the Kansas standard deduction or reducing the sales tax on food that better address issues of equity, adequacy, and ease of administration in our tax policies. —MARCI FRANCISCO

Senators Hawk, Pettey and Sykes request the record to show they concur with the "Explanation of Vote" offered by Senator Francisco on **SB 22**.

Mr. Vice President: I vote "NO" on **Senate Bill 22**. This bill is bad policy that has been rushed through the process. It puts us back on the same path as the disastrous

Brownback tax experiment, which led to deep cuts to schools, delayed transportation projects, and devastated our foster care system and other services for our most vulnerable Kansans. Kansans don't want more irresponsible policies. They made that clear when they elected a governor committed to stabilizing the budget and investing in the future of Kansas. We should exercise restraint with the budget surplus instead of squandering the surplus on reckless tax policy. If we were to make tax policy changes, those changes should benefit every Kansan or, at the very least, those who need it the most. Giant multinational corporations with record profits don't fit into either category.

For the cost of this bill, the food sales tax rate could be cut in half. Or, for a fraction of the cost, the food sales tax rebate could be restored to benefit 380,000 elderly, disabled, and low-income Kansans. Or, the standard deduction could be raised for Kansas families. It is for these reasons that I vote "NO."—ANTHONY HENSLEY

Senators Faust-Goudeau, Hawk and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **SB 22**.

Mr. Vice President: Many who voted for a so called tax cut, which we know was a 350 million dollar tax hike/revenue grab, HB 2059 in 2013 (which took away many of the same deductions presented in **SB 22**) now claim they are voting for **SB 22** because they are protecting families by lowering the taxes on families. It is good to see them now appropriately voting for tax reform which REALLY does work in favor of the hardworking families of Kansas! Dare I ask, Does the Flip Flop fit?—DENNIS PYLE

Mr. Vice President: I vote "NO" on **SB 22**. There are definitely things in the bill that makes it an attractive vote. However, there is one overriding objection I have. That is the sequence and timing of the tax cut. The state has mandated obligations that have not yet been addressed. We must prioritize those mandates, such as school finance, before making other budgetary adjustments. It is my hope that that the legislature can address its mandated responsibilities, then address tax cuts.—MARY JO TAYLOR

Senators Bollier, Haley, Hawk, Miller and Sykes request the record to show they concur with the "Explanation of Vote" offered by Senator Taylor on **SB 22**.

Mr. Vice President: I vote "AYE" on **Senate Bill 22**, to prevent another tax increase on Kansas families and businesses. This bill allows parents, including hardworking single moms and dads, to take advantage of the increased federal standard deduction while also providing the ability to write off their property tax and mortgage deduction on state taxes. **Senate Bill 22** empowers businesses that employ thousands of Kansans in every corner of our great state, the ability to repatriate foreign assets so they can continue to invest here at home, contributing to our economic health. Today, the Kansas Senate sends the signal that Kansas is open for business by refusing to stifle domestic investment. Today, we care for our senior citizens by allowing them the ability to write off their medical expenses. Today, we protect our Kansas families and businesses by not imposing a new tax on them, but instead, provide tax equity with some of our bordering states that have already done this. Today, we say no new barriers that suffocate job creation. I vote "AYE" to decouple from the federal tax system, protecting Kansas' future prosperity for all our children and grandchildren who will call this great state, home.—SUSAN WAGLE

Senators Baumgardner, Lynn, Petersen and Pilcher-Cook request the record to show they concur with the "Explanation of Vote" offered by Senator Wagle on **SB 22**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2001, HB 2038, HB 2039.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2001, HB 2038, HB 2039 were thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 19** be passed.

Also, **SB 20** be amended on page 4, in line 11, by striking all after the period;

On page 7, in line 13, by striking all after the period; in line 14, by striking all before "the"; in line 36, by striking all before "the";

On page 11, in line 26, by striking all after the period; in line 27, by striking all before "the";

On page 17, in line 4, by striking all after the period; in line 5, by striking all before "the";

On page 20, in line 2, by striking all after the period; in line 3, by striking all before "the";

On page 21, in line 3, by striking all after the period; in line 4, by striking all before "the";

On page 22, in line 28, by striking all after the period; in line 38, by striking all after the period; in line 39, by striking all before "the";

On page 23, in line 38, by striking "on and after July 1, 2019, through June 30, 2021,";

On page 24, in line 40, by striking all after the period;

On page 26, in line 24, by striking all after the period; in line 25, by striking all before "the"; in line 35, by striking all after the period; in line 36, by striking all before "the";

On page 28, in line 43, by striking all before "the";

On page 31, in line 19, by striking all after the period; in line 20, by striking all before "the";

On page 32, in line 40, by striking all after the period;

On page 33, in line 34, by striking all before "the";

On page 34, in line 5, by striking all after the period; in line 6, by striking all before "the";

On page 36, in line 7, by striking all after the period; in line 8, by striking all before "the";

On page 37, in line 10, by striking all after the period; in line 27, by striking all after the period; in line 41, by striking all before "the"; and the bill be passed as amended.

SB 18 be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator Denning, the Senate adjourned until 8:00 a.m., Friday, February 8, 2019.

Journal of the Senate

NINETEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 8, 2019, 8:00 a.m.

The Senate was called to order by Senator Billinger.

The roll was called with 26 senators present.

Senators Alley, Baumgardner, Doll, Faust-Goudeau, Holland, Longbine, Lynn, Masterson, Olson, Pilcher-Cook, Pyle, Taylor, Wagle, and Ware were excused.

Senator Billinger introduced guest Chaplain Dave DePue, Pastor, Kansas Capitol Commission, to deliver the invocation:

Almighty God, Your word reveals in Acts 1:4 that we are not to step out on mission, a calling or assignment until we have the authority or power to achieve. These honorable men and women gathered in this chamber have been sent by their greater communities to develop policies for the common good, craft the necessary taxes and fund the administration delegated to carry out the business of the people. We ask You Lord, to give them the wisdom, understanding and grace to move through the business of this day. Please bless the work of their hands, bless all with travel mercies over the weekend and bring each back to this chamber Monday, all refreshed and driven with purpose, Your grand purpose. I offer this prayer in the gracious Name of Your Son, Jesus. Amen.

The Pledge of Allegiance was led by Senator Billinger.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 128, AN ACT concerning schools; relating to safety drills; requiring a certain number of fire, tornado and crisis drills; rules and regulations of the state fire marshal; amending K.S.A. 2018 Supp. 31-133 and repealing the existing section, by Committee on Education.

SB 129, AN ACT concerning elections; relating to polling places; amending K.S.A. 2018 Supp. 25-2701 and repealing the existing section, by Committee on Ethics, Elections and Local Government.

SB 130, AN ACT concerning elections; relating to advance ballots; amending K.S.A. 2018 Supp. 25-1122 and repealing the existing section, by Committee on Ethics, Elections and Local Government.

SB 131, AN ACT concerning elections; amending K.S.A. 80-202 and K.S.A. 2018 Supp. 25-21a03 and repealing the existing sections, by Committee on Ethics, Elections and Local Government.

SB 132, AN ACT concerning elections; dealing with the crime of electioneering;

amending K.S.A. 2018 Supp. 25-2430 and repealing the existing section, by Committee on Ethics, Elections and Local Government.

SB 133, AN ACT concerning crimes, punishment and criminal procedure; relating to property seized by law enforcement; receipt; return of weapons; amending K.S.A. 2018 Supp. 22-2512 and repealing the existing section, by Committee on Judiciary.

SB 134, AN ACT concerning crimes, punishment and criminal procedure; relating to counterfeiting currency; amending K.S.A. 2018 Supp. 21-5840 and repealing the existing section, by Committee on Judiciary.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **HB 2001**.

Assessment and Taxation: **SB 123**, **SB 125**.

Financial Institutions and Insurance: **SB 121**.

Judiciary: **HB 2038**, **HB 2039**.

Public Health and Welfare: **SB 120**, **SB 122**.

Utilities: **SB 124**, **SB 126**, **SB 127**.

TRIBUTES

The Committee on **Organization, Calendar, and Rules** authorizes the following tributes for the week of February 4 through February 8, 2019:

Senator Billinger: congratulating Rosalie Ross on her induction into the Kansas Press Hall of Fame;

Senator Bowers: congratulating J.B. Covington on being named the 2018 2A Football Coach of the Year, congratulating Dr. Arnold Nagely on being named the Marysville Chamber of Commerce Person of the Year, congratulating the Eager Beavers 4-H Club on winning several awards for special projects and public service, congratulating Stuart Roegge on receiving the North Central Kansas Music Educators Association's Outstanding High School Music Educators Award, congratulating the Beloit High School FFA Ag Mechanics Team on its Gold Division Honors;

Senator Hawk: congratulating and commending Charlie Sargent on his 47 years of service with the Kansas Farm Bureau;

Senator Kerschen: celebrating Kansas Farm Bureau's 100th Anniversary; and

Senator Lynn: congratulating Lt. Col. Luke A. Wittmer on his promotion in the United States Army.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Monday, February 11, 2019.

Journal of the Senate

TWENTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 11, 2019, 2:30 p.m.

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

Lord, You are God over all! Thank You for keeping each of us.

In Psalms 19:7-11, You give us powerful keys for top quality leadership. In verse 10, You reveal that the principles of Your Word are more to be desired than external wealth or sweetness to our taste buds. And Lord, one might ask why? Why should they be so desirable? In verse 11, You warn against ignoring them and You promise great reward for keeping them. Lord, we do want to enjoy the reward of successfully serving You, our loved ones and our neighbors...Your people.

So help us hold fast to those key principles. As You mention them in verses 7-9, You declare Your Holy Word to be our standard, the guiding principles for our attitudes and actions. And You give them six designations: law, testimony, precepts, commandments, fear and rules to follow. You also characterize them in six different ways: perfect, sure, right, pure, clean and true. Then You give us six results to look for when we hold to Your Word: revived souls, Godly wisdom, inner rejoicing, eyes being opened, enduring stability and tuned in to righteousness.

Therefore Lord, let the appeal of the Psalmist in verse 14 become our constant appeal! "Let the words of my mouth, and the meditation of my heart be acceptable in Your sight, O Lord, my Rock and my Redeemer." Lord, I pray this, in the powerful Name of Jesus the Christ, Amen and Amen!

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 135, AN ACT concerning rural opportunity zones; relating to eligible counties; amending K.S.A. 74-50,222 and repealing the existing section, by Senators Hilderbrand, Alley, Hardy, Olson, Petersen and Pyle.

SB 136, AN ACT concerning roads and highways; designating a bridge on United States highway 77 as the SGT Kevin Gilbertson veterans memorial bridge, by Committee on Transportation.

SB 137, AN ACT concerning sexually oriented businesses; relating to entry fees, disposition of funds, by Committee on Federal and State Affairs.

SB 138, AN ACT concerning roads and highways; designating a portion of United

States highway 77 as the Capt Donald Root Strother memorial highway; amending K.S.A. 68-1010 and repealing the existing section, by Committee on Transportation.

SB 139, AN ACT concerning vehicles; relating to registration and titles; fees, disposition; amending K.S.A. 8-195 and 74-2013 and K.S.A. 2018 Supp. 8-132, 8-135, 8-135a, 8-135c, 8-139, 8-143, 8-143j, 8-145, 8-145d, 8-167, 8-170, 8-172, 8-198, 58-4204 and 79-3604 and repealing the existing sections, by Committee on Transportation.

SB 140, AN ACT concerning income taxation; relating to credits; establishing an Eisenhower foundation contribution credit, by Senators Hardy, Bowers and Wilborn.

SB 141, AN ACT concerning labor and employment; relating to increasing the minimum wage; amending K.S.A. 2018 Supp. 44-1203 and repealing the existing section, by Senators Holland, Faust-Goudeau, Francisco, Hawk, Hensley, Miller, Pettey and Ware.

SB 142, AN ACT concerning education; relating to the instruction and financing thereof; making and concerning appropriations for the fiscal years ending June 30, 2020, and June 30, 2021, for the department of education; amending K.S.A. 72-5132 and repealing the existing section, by Committee on Select Committee on Federal Tax Code Implementation.

SB 143, AN ACT concerning drivers' licenses; relating to eligibility for restricted driving privileges; qualifications; voluntary surrender; amending K.S.A. 8-298 and K.S.A. 2018 Supp. 8-2110 and repealing the existing sections, by Senator Faust-Goudeau.

SB 144, AN ACT concerning health and healthcare; relating to the treatment of sexually transmitted diseases; allowing for the use of expedited partner therapy, by Committee on Public Health and Welfare.

SB 145, AN ACT concerning boards of public utilities; regulation of rates by the state corporation commission, when; notice to customers; amending K.S.A. 13-1228a, 66-104 and 66-1,174 and repealing the existing sections, by Committee on Utilities.

SB 146, AN ACT concerning workers compensation; relating to benefit reductions due to retirement benefits; amending K.S.A. 2018 Supp. 44-501 and repealing the existing section, by Senators Holland, Bollier, Faust-Goudeau, Francisco, Hawk, Hensley, Miller and Ware.

SB 147, AN ACT concerning education; relating to the instruction and financing thereof; making and concerning appropriations for the fiscal years ending June 30, 2019, June 30, 2020, and June 30, 2021, for the department of education; amending K.S.A. 72-5142 and 72-5462 and K.S.A. 2018 Supp. 79-201x and repealing the existing sections, by Committee on Select Committee on Federal Tax Code Implementation.

SB 148, AN ACT concerning public construction contracts; relating to fairness in requests for proposals for school district facility construction or repair, by Committee on Education.

SCR 1606, A CONCURRENT RESOLUTION condemning the enactment of the Reproductive Health Act by the state of New York, because it violates the life and well-being of a woman and her unborn child, by Senators Masterson, Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Denning, Estes, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rucker, Suellentrop, Taylor, Tyson, Wagle and Wilborn.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **SB 128**.

Ethics, Elections and Local Government: **SB 129, SB 130, SB 131, SB 132**.

Judiciary: **SB 133, SB 134**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Baumgardner, Alley, Berger, Billinger, Bollier, Braun, Denning, Francisco, Goddard, Haley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Olson, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Tyson, Ware and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1710—

A RESOLUTION congratulating and commending
the individuals selected as award-winning educators in Kansas.

WHEREAS, National Board Certification, which is a voluntary process, is achieved through a performance-based assessment process that measures a teacher's practice against high and rigorous advanced standards to demonstrate accomplished practices; and

WHEREAS, Caroline Anderson, Liberty View Elementary School, Blue Valley USD 229; Rebecca Dalton, Blue Valley North High School, Blue Valley USD 229; Julie Disbrow, Eisenhower Middle School, Manhattan-Ogden USD 383; Sandy Espitia, Blue Valley West High School, Blue Valley USD 229; Christy Hagan, Sunrise Point Elementary School, Blue Valley USD 229; Heather Hagstrom, Blue Valley USD 229; Melissa Hensley, Garden City High School, Garden City USD 457; Jackie Ingram, Salina Middle School, Salina USD 305; Brandy Lane, Eisenhower Middle School, Goddard USD 265; Donna Long, Frances Willard Elementary School, Kansas City USD 500; Jennifer Mercer, Pauline South Intermediate School, Auburn-Washburn USD 437; Traci Miller, Riley Elementary School, Great Bend USD 428; Kristy Oborny, Kathryn O'Loughlin McCarthy Elementary School, Hays USD 489; Angie Persyn, Valley Center High School, Valley Center USD 262; Theresa Rudnick, Blue Valley North High School, Blue Valley USD 229; Bethany Vokac, Liberty View Elementary School, Blue Valley USD 229; Angie Webb, St. John Elementary School, St. John-Hudson USD 350; and Phillip Wrigley, Topeka High School, Topeka USD 501, have satisfied the highest professional qualifications of the National Board of Professional Teaching Standards, to be designated as National Board Certified Teachers; and

WHEREAS, 32 beginning educators from across the state have been named as 2019 Kansas Horizon Award Program educators; and

WHEREAS, The Kansas Horizon Award Program, currently in its 17th year and sponsored by the Kansas State Department of Education and Capitol Federal, identifies and recognizes exemplary first-year teachers from elementary and secondary classrooms across the state who perform in a way that distinguishes them as outstanding; and

WHEREAS, This year's Region 1 recipients are: Holly Abel, Riverside Elementary School, Emporia USD 253; Abigail Baeten, Lincoln Elementary School, Clay County USD 379; Abigail Buser, Westwood Elementary School, Geary County USD 475;

Meredith Clark, Beloit Junior/Senior High School, Beloit USD 273; Kristy Fischer, Ellinwood Middle/High School, Ellinwood USD 355; Kaleigh Huxman, McPherson Middle School, McPherson USD 418; Jill Siebert, Hillsboro Elementary School, Hillsboro-Lehigh-Durham USD 410; and Alicia Herbel, Moundridge Middle/High School, Moundridge USD 423; and

WHEREAS, This year's Region 2 recipients are: Olivia Basye, Berryton Elementary School, Shawnee Heights USD 450; Chari Bauman, Yates Center Elementary School, Woodson USD 366; Julie Burk, Eudora Elementary School, Eudora USD 491; Riley Propps, Shawnee Heights High School, Shawnee Heights USD 450; Logan Pegram, Anderson County Junior/Senior High School, Garnett-Greeley-Westphalia USD 365; Macy Pickman, Atchison High School, Atchison USD 409; Garret Platt, Seaman Middle School, Seaman USD 345; and Hannah Taylor, Scott Dual Language Magnet School, Topeka USD 501; and

WHEREAS, This year's Region 3 recipients are: Bailey Bacon, J.C. Harmon High School, Kansas City USD 500; Kadra Boulware, Rockville Elementary School, Louisburg USD 416; Katey Foley, Gardner Edgerton High School, Gardner Edgerton USD 231; Sarah Lenz, Wolf Creek Elementary School, Spring Hill USD 230; Haley Poulter, Mize Elementary School, De Soto USD 232; Clayton Prater, Bonner Springs Elementary School, Bonner Springs/Edwardsville USD 204; Leanna Willer, Louisburg High School, Louisburg USD 416; and Danielle Winkler, Spring Hill Middle School, Spring Hill USD 230; and

WHEREAS, This year's Region 4 recipients are: Macey Dinkel, Stafford Elementary School, Stafford USD 349; Rachel Eck, Goddard High School, Goddard USD 265; Amy Hiebert, Halstead Middle School, Halstead/Bentley USD 440; Joseph Hubener, Clearwater High School, Clearwater USD 264; Chandler Ochoa, Newton High School, Newton USD 373; Michelle Ramirez, Nelson Elementary School, Haysville USD 261; Payton Scheer, Challenger Intermediate School, Goddard USD 265; and Paige Towey, St. Mark's School, Renwick USD 267: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend these outstanding educators; and

Be it further resolved: That the Secretary of the Senate shall send 54 enrolled copies of this resolution to the Commissioner of Education for forwarding to each of these teachers so honored, and another copy to the Commissioner of Education.

On emergency motion of Senator Baumgardner **SR 1710** was adopted by voice vote.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2033, HB 2034**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2033, HB 2034 were thereupon introduced and read by title.

REPORT ON ENROLLED BILLS

SR 1707, SR 1708, SR 1709 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 11, 2019.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Tuesday, February 12, 2019.

Journal of the Senate

TWENTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 12, 2019, 2:30 p.m.

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

Heavenly Father, over 200 years ago, on February 12, 1809, You brought Abraham Lincoln into the world. Raised in a log cabin without many of the conveniences we enjoy today, You led him into becoming a well-respected, self-taught lawyer who would eventually become President.

And Lord, only a week after he was inaugurated, that blood-filled civil war began due to the opposing and uncompromising positions regarding the issue of slavery. During this Black History Month, we're reminded that five days after the end of that war, after he had freed millions of slaves, on April 14, 1865, his work on Earth was done. And You allowed him to come home to You at the hands of his assassin, John Wilkes Booth.

We sometimes wonder, what's with a person like Lincoln, so sacrificially dedicated to the good of others...so devoted to making the world a better place? You led him to provide the answer in a speech on February 22, 1862. He said "Without the assistance of the Divine Being...I cannot succeed. With that assistance I cannot fail." He went on to say "Trusting in Him Who can go with me, and remain..., and be everywhere for good, let us confidently hope that all will be well." Romans 8:28

Lord, You said through Your prophet Jeremiah, speaking to a people in Romans 29:10-14, that even though they had fallen short as we all do, You would still bless them. Your words were, "I know the plans I have for You...plans to prosper you and not to harm you, plans to give you hope and a future." By faith, Master, help us hold on to Your Word, help us trust You with that same devotion and determination. I'm thanking You for Your faithfulness toward us. In Jesus' Name, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 149, AN ACT concerning voter registration; relating to the provision for applicants of birth certificates by the state to show evidence of United States citizenship; amending K.S.A. 65-2422d and K.S.A. 2018 Supp. 25-2309 and repealing the existing sections, by Senator Miller.

SB 150, AN ACT concerning victims of domestic violence, sexual assault, human trafficking or stalking; relating to housing protections; notification requirements, by Senators Sykes, Alley, Baumgardner, Berger, Bollier, Doll, Faust-Goudeau, Francisco, Givens, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, McGinn, Miller, Olson, Pettey, Skubal, Taylor, Wagle, Ware and Wilborn.

SB 151, AN ACT concerning property taxation; relating to exemptions; increasing extent of exemption for residential property from statewide school levy; amending K.S.A. 2018 Supp. 79-201x and repealing the existing section, by Committee on Federal and State Affairs.

SB 152, AN ACT concerning the department of health and environment; relating to fees; underground injection control program; water well license and construction program; amending K.S.A. 65-166b, 65-171d and 65-4514 and K.S.A. 2018 Supp. 82a-1206 and repealing the existing sections, by Committee on Agriculture and Natural Resources.

SB 153, AN ACT concerning the department of health and environment; relating to water and soil pollutants; spill program; amending K.S.A. 65-171v and repealing the existing section, by Committee on Agriculture and Natural Resources.

SB 154, AN ACT concerning crimes, punishment and criminal procedure; relating to victims of human trafficking, aggravated human trafficking or commercial sexual exploitation of a child; petition to set aside certain conviction or diversion agreements and related arrest records, by Senator Haley.

SB 155, AN ACT concerning certain cemetery districts and the deannexation of territory located within a city, by Committee on Ways and Means.

SB 156, AN ACT concerning education; relating to the instruction and financing thereof; making and concerning appropriations for the fiscal year ending June 30, 2020, to the department of education; amending K.S.A. 72-5142 and 72-5151 and K.S.A. 2018 Supp. 79-201x and repealing the existing sections, by Committee on Education.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 135, SB 140; HB 2033.**

Commerce: **SB 141, SB 146.**

Committee of the Whole: **SCR 1606.**

Education: **SB 148.**

Federal and State Affairs: **SB 137.**

Judiciary: **HB 2034.**

Public Health and Welfare: **SB 144.**

Senate Select Committee on Education Finance: **SB 142.**

Transportation: **SB 136, SB 138, SB 139, SB 143.**

Utilities: **SB 145.**

Ways and Means: **SB 147.**

COMMITTEE OF THE WHOLE

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

On motion of Senator Berger the following report was adopted:

SB 19 be passed.

SB 20 be amended by the adoption of the committee amendments, and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SR 1710 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 12, 2019.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Wednesday, February 13, 2019.

Journal of the Senate

TWENTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 13, 2019, 2:30 p.m.

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

Heavenly Father, the Negro National Baseball League began on February 13, 1920, in Kansas City, Missouri. And Lord, I come today reminded of that great Hall of Fame baseball pitcher, Satchel Paige, who played for the Kansas City Monarchs. I'm reminded not only of his wisdom in the game of baseball but also of his wisdom in the game of life. He said to those who would listen, "Don't pray when it rains if you don't pray when the sun shines."

Lord, we know that things will not always go as we'd like. We'll want the rain when the sun is shining and we'll want the sun when it's raining. We'll want constructive criticism from folks while also wanting their kudos.

Help us to echo the Apostle Paul's words in Philippians 4:11-13 where he said "I have learned to be content whatever the circumstances. I know what it is to be in need and I know what it is to have plenty. I have learned the secret of being content in any and every situation. I can do all this through Him Who gives me the strength."

So, Master, teach us to pray with thanksgiving, whether rain or shine, up or down, want or plenty, whether feeling good or feeling not so good. For You always know what we need and when we need it.

I come to you in the precious Name of Jesus, Amen!

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 157, AN ACT concerning family law; relating to temporary parenting plans; amending K.S.A. 2018 Supp. 23-3212 and repealing the existing section, by Senators Hilderbrand, Alley, Berger, Doll, Faust-Goudeau, Francisco, Goddard, Haley, Holland, Longbine, Olson, Petersen, Skubal, Suellentrop, Taylor, Wagle and Wilborn.

SB 158, AN ACT designating the polka as the state dance, by Senator Miller.

SB 159, AN ACT concerning voter registration; relating to registration through division of motor vehicle license applications; amending K.S.A. 2018 Supp. 25-2352 and repealing the existing section, by Senator Faust-Goudeau.

SB 160, AN ACT concerning crimes, punishment and criminal procedure; relating to domestic violence calls; required notices; lethality assessment; amending K.S.A. 2018

Supp. 22-2307 and repealing the existing section, by Committee on Judiciary.

SB 161, AN ACT concerning domestic violence; relating to the definition of primary aggressor; Kansas criminal code; Kansas code of criminal procedure; protection from abuse act; amending K.S.A. 2018 Supp. 21-5111, 22-2307 and 60-3107 and repealing the existing sections, by Committee on Judiciary.

SB 162, AN ACT concerning children and minors; relating to foster care; requiring notification by a foster care case management contractor and the Kansas department for children and families of certain situations involving children, by Committee on Public Health and Welfare.

SB 163, AN ACT AN ACT concerning insurance; relating to health insurance plans; requiring coverage for contraceptives; amending K.S.A. 2018 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 164, AN ACT concerning alcoholic beverages; relating to licensure; specifying the effective date of licenses; amending K.S.A. 2018 Supp. 41-310 and 41-2629 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 165, AN ACT concerning health and healthcare; relating to the practice of podiatry; changing terminology and references related thereto; amending K.S.A. 40-3202, 48-1601, 65-2001, 65-2002, 65-2004, 65-2005, 65-2006, 65-2009, 65-2010, 65-2012, 65-2013, 65-2014, 65-2015, 65-2016, 65-2813, 65-7302, 65-7602 and 65-7605 and K.S.A. 2018 Supp. 21-5808, 44-508, 44-706 and 79-201a and repealing the existing sections, by Committee on Federal and State Affairs.

SB 166, AN ACT concerning children and minors; relating to the grandparents as caregivers act; age and income requirements; deeming children under the act as foster children; amending K.S.A. 2018 Supp. 38-145 and 38-147 and repealing the existing sections, by Committee on Judiciary.

SB 167, AN ACT concerning abortion; relating to medication abortions; notification requirements, by Senators Baumgardner, Alley, Berger, Billinger, Braun, Estes, Goddard, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Rucker, Suellentrop, Tyson, Wagle and Wilborn.

SB 168, AN ACT enacting the Kansas home inspectors professional competency and financial responsibility act; establishing the home inspectors license fee fund, by Committee on Commerce.

SB 169, AN ACT concerning the department of health and environment; relating to the water program management fee fund; deposit of certain moneys; operators of a water supply system or a wastewater treatment facility; amending K.S.A. 65-4513 and 65-4514 and repealing the existing sections, by Committee on Utilities.

SB 170, AN ACT concerning the Kansas department of health and environment; relating to the Kansas asbestos control program; fees and civil penalties; deposit in the air quality fee fund; amending K.S.A. 65-5309 and 65-5314 and repealing the existing sections, by Committee on Utilities.

SB 171, AN ACT concerning the department of health and environment; relating to public water supply systems; loan program requirements; installation or repair, lead levels; amending K.S.A. 65-163d, 65-163i, 65-170d and 65-171r and repealing the existing sections, by Committee on Utilities.

SB 172, AN ACT concerning workers compensation; relating to costs of treatment by an injured employee's healthcare provider; amending K.S.A. 2018 Supp. 44-510h and repealing the existing section, by Committee on Ways and Means.

SB 173, AN ACT concerning the disposition of state real property; authorizing the state board of regents on behalf of the university of Kansas to sell certain real property in Douglas county, by Committee on Ways and Means.

SB 174, AN ACT concerning income taxation; relating to Kansas adjusted gross income; subtraction modification exempting social security benefits; amending K.S.A. 2018 Supp. 79-32,117 and repealing the existing section, by Committee on Federal and State Affairs.

SB 175, AN ACT concerning public employee organizations; enacting the public employee right to choose act; amending K.S.A. 75-4324 and K.S.A. 2018 Supp. 75-4327 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 176, AN ACT concerning the department of commerce; relating to the disclosure of economic development incentive program data, tax credit programs and certain property tax exemptions; required database; amending K.S.A. 2017 Supp. 75-5133, as amended by section 37 of chapter 89 of the 2018 Session Laws of Kansas, and 79-3234, as amended by section 38 of chapter 89 of the 2018 Session Laws of Kansas, and repealing the existing sections, by Committee on Assessment and Taxation.

SB 177, AN ACT concerning taxation; relating to the state board of tax appeals; concerning appeal procedure and judicial review; amending K.S.A. 74-2426 and repealing the existing section, by Committee on Assessment and Taxation.

SB 178, AN ACT concerning sales taxation; relating to exemptions; nonprofit integrated community care organizations, definitions; amending K.S.A. 2018 Supp. 79-3602 and 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

SB 179, AN ACT concerning income taxation; relating to modifications; increasing subtraction modification for social security income for married tax filers; amending K.S.A. 2018 Supp. 79-32,117 and repealing the existing section, by Committee on Assessment and Taxation.

SB 180, AN ACT enacting the Kansas buy American act, by Senators Hensley, Bollier, Faust-Goudeau, Haley, Hawk, Holland, Miller, Pettey, Sykes and Ware.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 152**, **SB 153**.

Assessment and Taxation: **SB 151**.

Education: **SB 156**.

Ethics, Elections and Local Government: **SB 149**.

Judiciary: **SB 150**, **SB 154**.

Ways and Means: **SB 155**.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 19, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing; presentence investigation report; amending K.S.A. 2018 Supp. 21-6813 and repealing the existing section, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll,

Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn.

The bill passed.

SB 20, AN ACT concerning courts; relating to court fees and costs; judicial branch surcharge fund; amending K.S.A. 65-409 and K.S.A. 2018 Supp. 8-2107, 8-2110, 20-3021, 21-6614, 22-2410, 23-2510, 28-170, 28-172a, 28-177, 28-178, 28-179, 32-1049a, 38-2215, 38-2312, 38-2314, 59-104, 60-729, 60-2001, 60-2203a, 61-2704 and 61-4001 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 35; Nays 5; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Petersen, Pettey, Rucker, Skubal, Suellentrop, Sykes, Taylor, Wagle, Ware, Wilborn.

Nays: Hilderbrand, Olson, Pilcher-Cook, Pyle, Tyson.

The bill passed, as amended.

COMMITTEE OF THE WHOLE

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

On motion of Senator McGinn the following report was adopted:

SB 39 be passed.

SCR 1606 be adopted.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **SB 27** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Transportation** recommends **SB 17** be amended on page 1, in line 34, by striking all after "vehicle"; by striking all in lines 35 and 36; and the bill be passed as amended.

Also, recommends **SB 40**, **SB 41** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Ways and Means** recommends **SB 25** be amended on page 1, by striking all in lines 35 and 36;

On page 2, by striking all in lines 1 through 4; in line 6, by striking "its operating" and inserting "the social welfare";

On page 4, in line 32, by striking "5" and inserting "4";

And by renumbering sections accordingly; and the bill be passed as amended.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Thursday, February 14, 2019.

Journal of the Senate

TWENTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 14, 2019, 2:30 p.m.

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

The roll was called with 40 senators present.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, when that 3rd-century priest, Valentine, was killed because he refused to deny his love and commitment to You, he set an example for us to follow. Realizing that love is a verb...an action, rather than just a feeling, help us become genuine, active lovers. First in communicating our love to You, then in demonstrating it to others.

Your Word says in the "Love Chapter" of 1 Corinthians 13, that this kind of love never fails. Though at times our love may falter, we should never give up. Help us love like You and not give up on people.

In the song "My Funny Valentine," the nine-time Grammy winning Ella Fitzgerald, said, "each day is Valentine's Day." In another one of her songs, she sang that "In time the Rockies may crumble and Gibraltar may tumble. They're only made of clay." But when it came to love, she said it's "here to stay!"

Lord, in that same 1 Corinthians 13 "Love Chapter," in verse 13 You name the top 3 virtues of faith, hope and love. And You conclude that the greatest of all is love. And since we didn't quite achieve it yesterday, thanks for giving us another chance today. And, since love is the greatest, help us do it even when we don't feel it. Help us do it, until we do feel it!

When it comes to being genuine in our acts of love, in the words of M.C. Hammer, we want to be "too legit to quit!" I come to You In the Name of Him Who Loved Us To Death (John 3:16). Amen and Amen.

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 181, AN ACT creating the Kansas energy policy task force; relating to a study of Kansas electric utility services and energy policy issues, by Committee on Federal and State Affairs.

SB 182, AN ACT concerning water; relating to water measuring devices; technicians; inspections; liability of water right owners; amending K.S.A. 82a-706c and K.S.A. 2018 Supp. 82a-737 and repealing the existing sections, by Committee on Agriculture and Natural Resources.

SB 183, AN ACT concerning firearms; relating to protection orders; enacting the extreme risk protective order act, by Committee on Judiciary.

SB 184, AN ACT concerning taxation; enacting the food sales tax refund act; sunseting the food sales tax credit; amending K.S.A. 2018 Supp. 79-32,271 and repealing the existing section, by Committee on Assessment and Taxation.

SB 185, AN ACT concerning taxation; relating to income tax, Kansas itemized deduction, expensing deduction, credit for certain purchases of goods and services for qualified vendors; rural opportunity zones, Cowley and Crawford counties; sales and compensating use tax, authority for countywide retailers, exemptions for sales of certain coins or bullion and purchases by midland care connection, inc.; property tax, cities and counties, approval of budgets; motor-fuel law, definitions, special fuels; amending K.S.A. 74-50,222 and K.S.A. 2018 Supp. 12-187, 12-189, 79-2925c, 79-32,120, 79-32,143a, 79-3401 and 79-3606 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 186, AN ACT concerning transportation; providing for a transportation planning program; amending K.S.A. 68-2316 and repealing the existing section, by Committee on Ways and Means.

SB 187, AN ACT regulating traffic; relating to oversize or overweight vehicles; permit fees; amending K.S.A. 2018 Supp. 8-1911 and repealing the existing section, by Committee on Ways and Means.

SB 188, AN ACT concerning motor fuels tax; relating to rates and trip permits; amending K.S.A. 2018 Supp. 79-3492b, 79-34,118 and 79-34,141 and repealing the existing sections, by Committee on Ways and Means.

SB 189, AN ACT concerning motor vehicles; relating to registration fees; electric and hybrid vehicles; amending K.S.A. 2018 Supp. 8-143 and repealing the existing section, by Committee on Ways and Means.

SB 190, AN ACT concerning transportation; relating to new road construction or bridge improvement plans; authorizing transfers from the state general fund to the local ad valorem tax reduction fund and county and city revenue sharing fund if certain conditions are met; amending K.S.A. 2018 Supp. 79-2959 and 79-2964 and repealing the existing sections, by Committee on Ways and Means.

SB 191, AN ACT concerning property taxation; relating to cities and counties; approval of budgets and exception from election for transportation construction projects; amending K.S.A. 2018 Supp. 79-2925c and repealing the existing section, by Committee on Ways and Means.

SB 192, AN ACT concerning transportation; relating to toll projects; authorizing the secretary of transportation to designate or construct toll projects; changing toll project financing requirements; amending K.S.A. 68-2002, 68-2004, 68-2008, 68-20,120 and 68-2301 and repealing the existing sections, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 174, SB 177, SB 178, SB 179.**

Commerce: **SB 168, SB 172, SB 175, SB 176, SB 180.**

Ethics, Elections and Local Government: **SB 159.**

Federal and State Affairs: **SB 158, SB 164.**

Financial Institutions and Insurance: **SB 163**.
 Judiciary: **SB 157, SB 160, SB 161, SB 166**.
 Public Health and Welfare: **SB 162, SB 165, SB 167**.
 Utilities: **SB 169, SB 170, SB 171**.
 Ways and Means: **SB 173**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1711—

A RESOLUTION designating Baldwin City as the Quilt Capital of Kansas.

WHEREAS, Baldwin City is home to the oldest quilt show in the state of Kansas. The annual Maple Leaf Festival has hosted the show since it began in 1973; and

WHEREAS, In 1991, local quilters established the Maple Leaf Quilter's Guild. The guild organizes many quilting events including a presentation of quilts to local veterans on Veterans Day; and

WHEREAS, Quilter's Paradise, a shop in Baldwin City, sells fabrics, patterns, books, tools, and offers quilting classes to the local community; and

WHEREAS, As one of the oldest full-service quilt shops in the nation, Quilter's Paradise opened its doors in 1989. The shop is currently owned and operated by Sharon Vesecky, a fourth-generation quilter; and

WHEREAS, There are several cottage industries in the community organized for the purpose of making quilts available for purchase; and

WHEREAS, Quilts are proudly and continuously displayed at the Baldwin City Library, City Recreation Department, and Lumberyard Arts Center; and

WHEREAS, Baldwin City's relationship with its international sister city, Riviersonderend, South Africa, is centered around the exchanging of quilts; and

WHEREAS, Quilting is an important part of the community and provides Baldwin City senior citizens and church groups the opportunity to create quilts for family, friends, and those in need: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That Baldwin City be designated as the Quilt Capital of Kansas; and

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

On emergency motion of Senator Holland **SR 1711** was adopted by voice vote.

COMMUNICATIONS FROM STATE OFFICERS

February 12, 2019

Executive Secretary, Alexandria Blasi, submitted the Kansas Board of Pharmacy Report on Substances Proposed for Scheduling, Rescheduling or Deletion.

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

FINAL ACTION ON CONSENT CALENDAR

SB 18 having appeared on the Consent Calendar for the required two full legislative

days without objection from any member, was considered on final action.

SB 18, AN ACT concerning criminal procedure; relating to diversion agreements; attorney general; amending K.S.A. 22-2906 and K.S.A. 2018 Supp. 22-2909 and repealing the existing sections.

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

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

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 39, AN ACT concerning the vehicle dealers and manufacturers licensing act; relating to warranty services, compensation; amending K.S.A. 2018 Supp. 8-2415 and repealing the existing section, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn.

Present and Passing: Longbine.

The bill passed.

SCR 1606, A CONCURRENT RESOLUTION condemning the enactment of the Reproductive Health Act by the state of New York, because it violates the life and well-being of a woman and her unborn child, was considered on final action.

On roll call, the vote was: Yeas 27; Nays 13; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Denning, Estes, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rucker, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Nays: Bollier, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Miller, Pettey, Skubal, Sykes, Ware.

The resolution was adopted.

EXPLANATION OF VOTE

Mr. Vice President: As a young child, I was taught the song “This little light of mine, I’m going to let it shine.” As a young adult, I was taught the phrase “You are what you tolerate.” I’m letting this little light of mine shine with my “Yes” vote on **SCR 1606**. To vote otherwise is to turn a blind eye of tolerance for the Reproductive Health Act of the state of New York.—MOLLY BAUMGARDNER

Mr. Vice President: I vote “NO” on **SCR 1606** that includes false and misleading information, questions the hearts and minds of others, and wastes Kansas taxpayer

money. Who gets to decide what love is? The resolution presented today in the name of Kansas does not represent the values of many Kansans that I know, including me. Those Kansans include women who have had a very wanted pregnancy and tragically find that the fetus has severe anomalies not compatible with life outside of the womb. Some of those women believe the most loving thing to do is terminate that pregnancy; some of those women believe the most loving thing to do is deliver the baby and allow its natural death outside of the womb. In either instance, the result is the same: the loss of a dream and a hope and a prayer for a child. For any one of us to say "I know the best course of action for this woman and this pregnancy" is an affront. Who are you or I to know another person's mind and heart? We are called to love one another, not condemn one another.—BARBARA BOLLIER

Senators Faust-Goudou and Francisco request the record to show that they concur with the Explanation of Vote offered by Senator Bollier on **SCR 1606**.

Mr. Vice President: I vote "NO" on **SCR 1606**. I believe the New York Assembly and Senate have a legitimate interest in protecting the same rights for women in their state that are now afforded women under the Supreme Court's *Roe v. Wade* decision. Even if you don't share that belief, some inaccurate statements in the "WHEREAS" clauses reduce the already low chances for serious consideration of this resolution. Clauses say the Reproductive Health Act "repealed all protections from criminal acts of violence against a woman's unborn child, leaving citizens no legal recourse for the killing of any child in the womb" and "lessens the consequences for perpetrators of domestic violence, when their actions cause the death of a woman's unborn child". The Act did eliminate criminal penalties for illegal abortions when it was put in public health law; former laws on abortion had been in New York's penal code. However, there are other criminal penalties New York still has that address the loss of a fetus when a pregnant woman is assaulted including first-degree assault. I suggest that instead of this resolution, we focus on the health and well-being of children in Kansas.—MARCI FRANCISCO

Senators Bollier and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Francisco on **SCR 1606**.

Mr. Vice President: Given my consistent, now 25 year long, legislative history of standing up for any American's right to choose their own health care and other options for themselves without intrusive, unwarranted governmental interference, it should come as no surprise that I do not support this Senate Concurrent Resolution condemning "enactment of the Reproductive Health Act by the state of New York." In that a devastating fetal anomaly that can either end the life of the putative mother or the fetus may not be detected until way late into a pregnancy, it is unconscionable to demand no-option for an extremely difficult decision to terminate such a pregnancy. I realize many of you, Mr. Vice President, constantly pretend that such medical necessities are never the case, but if you would pretend, beyond your driven dogma and restrictive ideologies, for just one moment that a woman could die or become physically or mentally impaired or that the expectant child was found grossly abnormal and maybe even stillborn while in utero and close to birth that this provides foundation for such procedures then, perhaps, you might yield from this restrictive, un-American ideology and trust medical professionals and families to decide their own best health care decisions...since, again, such decisions are really not any of our business. Finally, on

this Valentine's Day, let me profess, without being cliché, I genuinely LOVE New York! A great State which produced, in its amazing diversity, two US Presidential nominees in 2016; one who'd win the national popular vote by 3,000,000 votes (Clinton) and the other who'd win, convincingly, the electoral college vote (Trump) New York has more population in just one of five boroughs in just one of its many cities (NYC) than all of Kansas. In loving the diversity of and respecting its well-reasoned debate and overwhelming support in enacting their legislation, I hardly believe they will note one whit what we waste our precious legislative time going through this day.—DAVID HALEY

Senator Francisco requests the record to show she concurs with the "Explanation of Vote" offered by Senator Haley on **SCR 1606**.

Mr. Vice President: I vote "NO" on **Senate Concurrent Resolution 1606**. I have always considered myself to be pro-life and pro-choice...knowing this choice is a highly difficult moral and health decision that I believe the "government" should not make. I have also always respected my friends, family members and colleagues in the Legislature who have very different views on this issue. I believe this resolution condemning the enactment of a law in another state that in no way impacts Kansans is a waste of time, money, and resources. Our time as legislators is better spent addressing the challenges Kansans are currently facing, such as: underfunded public schools, a foster care system in crisis, rural healthcare in jeopardy, and staggering numbers of domestic violence cases. Furthermore, I think this resolution contains some false and inflammatory claims and is insulting to women and doctors in Kansas. Every pregnancy is different, and all healthcare decisions should always be left up to the woman and her doctor or the healthcare professionals she trusts. They will always know what is best for their healthcare needs. Government has no place in these important healthcare decisions. Finally, being neither a woman nor a doctor, I am uncomfortable interjecting myself in this critical health care issue. For these reasons, I vote "no".—TOM HAWK

Senator Pettey requests the record to show she concurs with the "Explanation of Vote" offered by Senator Hawk on **SCR 1606**.

Mr. Vice President: Why are we sending this message to New York? One important reason is because we want our Kansas Supreme Court to know that we would find this abortion mentality in our state as depraved and totally unacceptable. The New York abortion law is devastatingly damaging to women and children, and to all of humanity. I vote "Aye" to promote justice in our state.—MARY PILCHER-COOK

Mr. Vice President: Today's episode of political theater is as cynical as any that I have witnessed in the last three years. Today, we are wasting our time and the money of Kansas taxpayers. Today, we are pointing out the speck in a neighbor's eye while we completely disregard the plank in our own. The cynic in me believes that the primary reason we are voting on this resolution is for postcards for 2020 elections. Does the resolution do anything for Kansans? NO! Instead of throwing stones at New York why don't we get our own house in order? The issues facing our constituents are many. Instead of focusing on New York, why are we not discussing Medicaid expansion, transportation funding, stabilizing our payments to KPERS, ending the litigation on school funding, the 70 children that went missing from DCF on our watch, or the ever-growing waiting list for PRTF beds? How about mental health? These are the issues we should be discussing. These are the issues that affect Kansans! If we truly care about

protecting life we would be actually working on policy to protect and invest in the children and families that we are entrusted to represent.—DINAH SYKES

Senators Bollier, Francisco, Hensley, Pettey and Skubal request the record to show that they concur with the Explanation of Vote offered by Senator Sykes on **SCR 1606**.

REPORTS OF STANDING COMMITTEES

Committee on **Ethics, Elections and Local Government** recommends **SB 7** be amended on page 3, following line 14, by inserting:

"Sec. 4. K.S.A. 72-1088 is hereby amended to read as follows: 72-1088. The issue of the change of method of election or voting plan, or both, in any school district may be made in the manner provided in this act at any time during the period beginning on the first Wednesday in November of each even-numbered year and ending on the first Tuesday in June of each odd-numbered year, if such change is also approved in a manner authorized in this act before the end of such period submitted to voters at any primary election or general election as defined in K.S.A. 25-2502, and amendments thereto, or at a special election called for such purpose. If approved by voters, the new method of election and voting plan in such the school district shall be followed in the election of members next following such the change and shall continue in force until again changed in the manner provided in this act. Change of method of election or voting plan shall not shorten the term of any member serving on the board at the time the change is made, and the county election officer shall not submit to election any plan of change which violates this prohibition.";

Also on page 3, in line 15, after the comma by inserting "72-1088,";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the comma by inserting "72-1088,"; and the bill be passed as amended.

Also, **SB 59** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Financial Institutions and Insurance** recommends **SB 66**, **SB 67**, **SB 82** be passed.

On motion of Senator Denning, the Senate adjourned pro forma until 9:00 a.m., February 15, 2019.

Journal of the Senate

TWENTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 15, 2019, 9:00 a.m.

The Senate was called to order Pro Forma by Senator Eric Rucker.

PRESENTATION OF PETITIONS

The following petition was presented, read, and filed:

SP 1, by Senator Marci Francisco at the request of the Attorney General of Kansas and the Human Trafficking Advisory Board: A petition demanding an end to the commercial sexual exploitation of human beings and recognition that buying sex is not a victimless crime, signed by Marci Francisco and 3,569 other citizens of the State of Kansas. The purpose of the petition is to show support for efforts to end commercial sexual exploitation, including that of children, in the Sunflower State.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 193, AN ACT concerning the behavioral sciences regulatory board; relating to certain regulated professions; licensure; reciprocity; amending K.S.A. 65-5801, 65-5807, 65-6309, 65-6321, 65-6401, 65-6405, 65-6406, 65-6411, 65-6611, 65-6613, 74-5301, 74-5310, 74-5315, 74-5316, 74-5344, 74-5375 and 74-5376 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 194, AN ACT concerning health and healthcare; relating to the revised uniform anatomical gift act; recognizing the inherent rights of Kansas citizens and residents authorized to make anatomical gifts; amending K.S.A. 65-3233 and 65-3239 and K.S.A. 2018 Supp. 8-240, 8-243, 8-247, 8-1324, 8-1325 and 8-1328 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 195, AN ACT enacting the Kansas safe access act; providing for the safe, legal, humanitarian and therapeutic use of cannabis for medical conditions; providing for the registration and functions of compassion centers; authorizing the issuance of identification cards; establishing the compassion board; providing for administration of the act by the department of health and environment. , by Committee on Public Health and Welfare.

SB 196, AN ACT concerning income taxation; relating to deductions; expanding the expense deduction to all taxpayers; amending K.S.A. 2018 Supp. 79-32,143a and repealing the existing section, by Committee on Assessment and Taxation.

SB 197, AN ACT concerning sales and compensating use tax; relating to rates; food and food ingredients; amending K.S.A. 2018 Supp. 79-3602, 79-3603, 79-3620, 79-

3703 and 79-3710 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 198, AN ACT concerning electric utilities; relating to the state corporation commission; authorizing the approval and issuance of K-EBRA bonds; financing costs of electric generation facilities, by Committee on Utilities.

SB 199, AN ACT concerning education; relating to Kansas high school equivalency credentials; establishing the AO-K to work program, by Committee on Education.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 182**.

Assessment and Taxation: **SB 184, SB 188, SB 191**.

Federal and State Affairs: **SB 183**.

Select Committee on Federal Tax Code Implementation: **SB 185**.

Transportation: **SB 187, SB 189, SB 192**.

Utilities: **SB 181**.

Ways and Means: **SB 186, SB 190**.

TRIBUTES

The Committee on **Organization, Calendar, and Rules** authorizes the following tributes for the week of February 11 through February 15, 2019:

Senator Alley: congratulating Fred Cottrell on his induction into the KSHSAA Hall of Fame;

Senator Bowers: congratulating Steve Crist on being named the 2018 1A Girls Track Coach of the Year, congratulating Arika Haresnape on receiving the Teacher Turn the Key Award from the Kansas Association of Agriculture Educators, congratulating Landon Budke on achieving the rank of Eagle Scout;

Senator Doll: celebrating Gladys Ballinger's 100th Birthday;

Senator Faust-Goudeau: congratulating Rev. Dr. T. LaMont Holder on his 14th Church Anniversary at Calvary Baptist Church;

Senator Hardy: celebrating Nola Habigar's 102nd Birthday; and

Senator Haley and Senator Sykes: celebrating Edward Rebout's 100th Birthday.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Monday, February 18, 2019.

Journal of the Senate

TWENTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 18, 2019, 2:30 p.m.

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

The roll was called with 39 senators present.

Senator Bollier was excused.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, the third Monday in February has been set aside as a Federal Holiday, to honor the first President, George Washington, and all succeeding Presidents.

Your Word, in 1 Timothy 2:1-4, directs us to pray for everyone in general, but particularly those in authority; that our lives may be quiet and peaceful and lived out in Godly and reverent ways. You said this is good and pleases You.

So Lord, in obedience to You and in view of Your promise, we petition You for the prevention of evil and the advancement of good. We intercede on behalf of others, and offer thanks for the blessings You've already provided.

We pray for the five Presidents that are still with us today: Presidents Jimmy Carter, Bill Clinton, George W. Bush, Barack Obama and our current President Donald Trump. And Lord, even though we don't understand it sometimes, You said in Romans 13:1-7, that no authority exists, except that which is granted by You, by Your permission.

So, Lord, help us by faith to look to You. Please use our President and all those to whom You have granted authority. Bless them and use them to Your glory and honor, to our good and to the strengthening of a Godly, free society. I come to You In Jesus' Name, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 200, AN ACT concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; increasing the retirement benefits cap; decreasing employee contributions in certain circumstances; amending K.S.A. 74-4958, 74-4958a and 74-4965 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 201, AN ACT concerning property taxation; relating to exemptions; land associated with a dam or reservoir and subject to a conservation easement for the purpose of compensatory mitigation; amending K.S.A. 79-201g and repealing the existing section, by Committee on Assessment and Taxation.

SB 202, AN ACT concerning retirement and pensions; relating to the Kansas public

employees retirement system; employment after retirement; eliminating the six-month retirement benefit suspension; amending K.S.A. 74-4914 and repealing the existing section, by Committee on Ways and Means.

SB 203, AN ACT concerning the legislature; relating to bills; providing a requirement that only legislators may request bills for introduction by committees; relating to requirements for printed bills and committee minutes, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 196**, **SB 197**.

Education: **SB 199**.

Public Health and Welfare: **SB 193**, **SB 194**, **SB 195**.

Utilities: **SB 198**.

CHANGE OF REFERENCE

An objection having been made to **SB 27** and **SB 59** appearing on the **Consent Calendar**, the Vice President directed the bills be removed and placed on the calendar under the heading of **General Orders**.

MESSAGES FROM THE GOVERNOR

February 13, 2019

Enclosed herewith is Executive Directive No. 1-499 for your information.

LAURA KELLY
Governor

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

COMMUNICATIONS FROM STATE OFFICERS

February 14, 2019

Acting Secretary Lee A. Norman, M.D., submitted the report of the Technical Committee regarding the application from the Kansas Society of Anesthesiologists to credential Anesthesiologist Assistants.

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

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Wilborn, Alley, Baumgardner, Berger, Billinger, Denning, Estes, Hardy, Hilderbrand, Kerschen, Longbine, Masterson, Olson, Petersen and Suellentrop introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1712—

A RESOLUTION recognizing September 1–7, 2019, as Resiliency Week in Kansas.

WHEREAS, Hazard mitigation is the effort to reduce loss of life and property by lessening the impact of disasters. It is most effective when implemented under a comprehensive, long-term mitigation plan; and

WHEREAS, The Pre-Disaster Mitigation Grant Program, administered by the Federal Emergency Management Agency, is designed to assist states and local communities in implementing a sustained pre-disaster natural-hazard mitigation program; and

WHEREAS, Federal legislation recently enacted the Disaster Recovery Reform Act, making new dollars available for states and communities to undertake pre-disaster mitigation measures and creating new incentives for states to build resiliently; and

WHEREAS, Since 1908, natural disasters have cost the country more than 1 trillion dollars; and

WHEREAS, Disasters affect the local and state economies in lost payrolls and lost sales and income tax, which in turn affect disaster-recovery times; and

WHEREAS, According to a FEMA-commissioned study conducted by the National Institute of Building Sciences, every \$1 spent on hazard mitigation provides the nation with \$6 in future benefits; and

WHEREAS, Twenty-five percent of small businesses that are impacted by a natural disaster never reopen their doors; and

WHEREAS, September is National Preparedness Month, and Kansas Preparedness Month is a recognition of the need for all Americans to prepare and plan for recovery after a disaster; and

WHEREAS, Mitigation planning is a key process used to break the cycle of disaster damage, reconstruction and repeated damages; and

WHEREAS, Effective pre-disaster mitigation reduces the demand for relief services on volunteer organizations, such as disaster, rescue and recovery teams, along with food banks and homeless shelters that serve communities by changing their operations to provide additional services to those affected by disaster; and

WHEREAS, This body honors the brave men and women who, as first responders, selflessly provide aid in a disaster to safeguard Kansas citizens; and

WHEREAS, This body encourages Kansas communities to build resilience and develop long-term mitigation strategies for protecting people and property from future hazard events: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize September 1–7, 2019, as Resiliency Week in Kansas to raise public awareness about the continuing need to plan for future disasters by instituting a pre-disaster mitigation strategy; and

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

On emergency motion of Senator Wilborn **SR 1712** was adopted by voice vote.

Senators Rucker, Berger, Givens and Miller introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1713—

A RESOLUTION honoring Washburn Rural high school for being named the 2018 National Performing Arts School of Excellence.

WHEREAS, On September 17, 2018, Washburn Rural high school was announced as the recipient of the highly prestigious National Performing Arts School of Excellence Award. Washburn Rural was selected by the National Federation of State High School Associations (NFHS), in conjunction with the Kansas State High School Activities Association (KSHSAA); and

WHEREAS, On September 28, 2018, Dr. James Weaver, director of performing arts and sports for NFHS, presented the award to Washburn Rural principal, Ed Raines, and the school's performing arts staff; and

WHEREAS, Annually, the National Performing Arts School of Excellence Award is presented to one high school, nationwide, in conjunction with National High School Activities Month. To be considered, a school must demonstrate exceptional accomplishment in performing arts over a five-year period. Washburn Rural is the third school to receive such recognition since the award's inception in 2016; and

WHEREAS, Washburn Rural is described as having one of Kansas' most successful performing arts programs, and it was selected for national recognition following its recent successes in speech, debate, music, and theater. In each of the last two years, the school finished 2nd in the KSHSAA state speech competition and 1st in the four-speaker state debate tournament. The school also received Superior I ratings in music competition in band in each of the last four years, and in choir and orchestra in each of the last five years; and

WHEREAS, A fine arts curriculum is an important aspect of a child's education and deserves to be recognized as such: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we honor Washburn Rural high school for being named the 2018 National Performing Arts School of Excellence. We applaud Washburn Rural students and staff for their success in the fine arts and wish them continued achievement and happiness in the future; and

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

On emergency motion of Senator Rucker **SR 1713** was adopted by voice vote.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **SB 71** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Tuesday, February 19, 2019.

Journal of the Senate

TWENTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 19, 2019, 2:30 p.m.

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

The roll was called with 39 senators present.

Senator Bollier was excused.

Invocation by Reverend Cecil T. Washington:

To our Holy and Righteous God, God of Heaven and Earth and all therein. Thanks for another day...for another opportunity to be an instrument in Your hands. Like the moon reflects the light of the sun and has no light of its own, like the light bulb that has no ability to shine unless power is provided, we approach our responsibilities today in dire need of Your light and Your power.

For the only way that good can be accomplished in this house is for You to do it through us. Reflecting on what the Apostle said in Romans 7:14-29, the good that we would do, we don't do and the not-so-good that we would not do, we do.

We'll be facing a brand new day and then forget to pray. We'll make a mess when we're really trying to bless, and we'll postpone until tomorrow what should be done today.

Lord, the Holy and Righteous standards of Your Word, by contrast, reveal our flaws and our need for the forgiveness You offer in 1 John 1:9-10. So, Lord, please forgive each of us and remove anything that's blocking or clogging up the conduit of our lives. Don't let our lives become clogged up with the daily stress and strain of trying to meet the undue expectations of others. Keep us clear-headed enough to stay focused on You and meeting Your expectations.

As a mirror that is under the light will reflect the image of whatever is in front of it, shine Your light upon us that we might show forth. You're the One in front.

Again, I thank You for the power of Your grace, mercy and forgiveness. And in Jesus' Name, I say Amen!

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 204, AN ACT concerning economic development; relating to evaluations of economic development incentives; creating the legislative post audit economic development incentive review subcommittee, by Committee on Select Committee on Federal Tax Code Implementation.

SB 205, AN ACT concerning the Kansas charitable gaming act; relating to the

secretary of revenue; administrator of act, designee; amending K.S.A. 2018 Supp. 75-5186 and repealing the existing section, by Committee on Federal and State Affairs.

SB 206, AN ACT concerning the state fire marshal; relating to law enforcement powers; fire safety prevention standards; requiring investigation of fire deaths; amending K.S.A. 31-158 and K.S.A. 2018 Supp. 31-157 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 207, AN ACT concerning alcoholic beverages; relating to microbreweries and microdistilleries; exemption from enforcement tax levy; amending K.S.A. 2018 Supp. 41-308b and 41-354 and repealing the existing sections, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 201**.

Federal and State Affairs: **SB 203**.

Financial Institutions and Insurance: **SB 200**, **SB 202**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Wilborn and Hardy introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1714—

A RESOLUTION honoring the 150th anniversary of Lindsborg, Kansas.

WHEREAS, February 20, 2019, marks the 150th anniversary of Lindsborg, a town in McPherson County, Kansas; and

WHEREAS, In 1868, Kansas was known as "the great American desert," as it was reported that "it never rained there" and that, upon organizing the Swedish Agricultural Company in April of 1868, Chairman John Ferm said, "If God is going to let us settle in Kansas, He will give us rain"; and

WHEREAS, After claims were filed in the general vicinity of Lindsborg in May of 1866, the Swedish Agricultural Company entered into a contract to purchase 16,000 acres of land from the Kansas Pacific Railway; and

WHEREAS, A call for settlers was sent to Sweden in December of 1868, and a promising young pastor named Dr. Olof Olsson was chosen to lead a large group of immigrants the following spring; and

WHEREAS, The site was settled on January 20, 1869, by the Swedish Agricultural Company. Thereafter, the development of the land and farming commenced; and

WHEREAS, On February 20, 1869, the Swedish Agricultural Company, with several members of the company having "Lind" in their surname, determined that "Lindsborg" would be the name of the settlement. Having fulfilled its role, the Swedish Agricultural Company was dissolved shortly thereafter; and

WHEREAS, Pastor Olof Olsson and a group of 100 Swedish immigrants from the Värmland province of Sweden arrived on June 27, 1869; and

WHEREAS, In establishing Lindsborg, the Swedish immigrants had to endure harsh weather conditions in Kansas; and

WHEREAS, Swedish King Carl XVI Gustaf visited Lindsborg during his royal tour of the United States in 1976; and

WHEREAS, Today, Lindsborg is a cultural destination, popularly known as "Little Sweden," due to its significant population of descendants of Swedish immigrants and the Swedish heritage and traditions they maintain; and

WHEREAS, Svensk Hyllningsfest is a biennial festival that celebrates Lindsborg's Swedish heritage with art and crafts, special foods, ethnic music, traditional folk dance, costumes and other Swedish entertainment; and

WHEREAS, The Sesquicentennial Festival Committee has declared the theme "Sweden on the Plains – Living the Legacy" for its 2019 anniversary: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we honor Lindsborg, Kansas, on its 150th anniversary, we commend the men and women who have made Lindsborg the culturally rich town that it is today, and we honor the immigrants from the Värmland province of Sweden for settling in Lindsborg, Kansas; and

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

On emergency motion of Senator Wilborn **SR 1714** was adopted by voice vote.

COMMITTEE OF THE WHOLE

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

On motion of Senator Alley the following report was adopted:

SB 28, SB 66 be passed.

SB 17, SB 25 be amended by the adoption of the committee amendments, and the bills be passed as amended.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Wednesday, February 20, 2019.

Journal of the Senate

TWENTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 20, 2019, 2:30 p.m.

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

Heavenly Father, we thank You for bringing us to, and we look forward to You taking us through another “Hump Day.” It’s the middle of the week and we do have some humps to get over...some difficulties to get past...some problems to solve. Yet, we can make it through with confidence.

We know that progress requires struggle. In Ecclesiastes 9:11, Your Word says, “the race is not given to the swift.” Realizing this as a truism, someone further stated that it is given to those who endure to the end. Getting through “Hump Day” is part of developing our endurance. And Lord, with Your help, getting beyond the tasks at hand is something we can look forward to.

This day is devoted to serving You and Your people. And, You didn’t bring us this far to leave us. In Nehemiah 8:10, Your people were told in that day that it was a good day...a day dedicated to You...a day to move forward. You encouraged them and told them to look out for those who were not able to provide for themselves, that the joy of the Lord would be their strength. So, Lord, help us in a like manner. You have blessed us beyond measure.

So, taking a word from the Geico commercial, we should be as happy as a camel on “Hump Day.” Thank You! Thank You for the strength and joy You provide. I look to You in Jesus' Name, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 208, AN ACT making and concerning appropriations for the fiscal year ending June 30, 2020, for the Kansas department for aging and disability services; relating to home and community-based services, by Committee on Ways and Means.

SB 209, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; powers and duties of the board of trustees; developing procedures for procurement of goods and services; making and entering into certain contracts; authorizing travel for trustees and employees of the system; amending K.S.A. 74-4909 and repealing the existing section, by Committee on Ways and Means.

SB 210, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; eligible employees; direct support positions of community developmental disability organizations; amending K.S.A. 74-4911 and repealing the existing section, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 204**.

Federal and State Affairs: **SB 205, SB 206, SB 207**.

FINAL ACTION ON CONSENT CALENDAR

SB 40, SB 41 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 40, AN ACT regulating traffic; concerning authorized emergency vehicles; amending K.S.A. 8-1530 and repealing the existing section.

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

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

The bill passed.

SB 41, AN ACT concerning motor vehicles; relating to the use of safety belts; classifying violations as a traffic infraction; amending K.S.A. 8-2116 and repealing the existing section.

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

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

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 17, AN ACT concerning motor vehicles; relating to driver's licenses, motorcycles, requiring class M license for temporary permits; amending K.S.A. 2018 Supp. 8-235 and repealing the existing section, was considered on final action.

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

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

The bill passed, as amended.

SB 25, AN ACT concerning certain claims against the state, making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing, was considered on final action.

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

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

The bill passed, as amended.

SB 28, AN ACT concerning insurance; relating to risk-based capital instructions; effective date; amending K.S.A. 2018 Supp. 40-2c01 and repealing the existing section, was considered on final action.

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

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

The bill passed.

SB 66, AN ACT concerning insurance; relating to insurance holding companies; exempting certain domestic insurers from filing enterprise risk reports; amending K.S.A. 2018 Supp. 40-3305 and repealing the existing section, was considered on final action.

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

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

The bill passed.

COMMITTEE OF THE WHOLE

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

On motion of Senator Masterson the following report was adopted:

SB 32 be amended by the adoption of the committee amendments, and the bill be passed as amended.

A motion offered by Senator Pettey was ruled not germane. The ruling of the chair was challenged. Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 28; Nays 12; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Denning, Estes, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Nays: Bollier, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Miller, Pettey, Sykes, Ware.

The ruling was sustained.

EXPLANATION OF VOTE

Mr. Chairman: I vote "NO" on sustaining the ruling of the chair. Comments I have gotten from constituents to support **Senate Bill 32** to help them obtain affordable health care and provide support for their hospitals also pertain to the amendment offered to expand Medicaid. I believe the amendment would address some of their concerns about healthcare in a much more positive way and without harming others in the insurance pool. I would have welcomed the chance to debate it.—MARCI FRANCISCO

Mr. Chairman: My "Aye" vote to sustain the chair in no way shape or form represents my view of the expansion of Medicaid.—RANDALL HARDY

A motion by Senator Hensley to amend **SB 32** failed and the following amendment was rejected; on page 2, in line 37, after the period by inserting "No healthcare benefits coverage provided by a nonprofit agricultural membership organization incorporated in Kansas on June 23, 1931, or an affiliate thereof, issued or renewed within this state or issued or renewed outside this state covering residents within this state shall refuse to accept an individual regardless of any specific health conditions existing at or prior to the individual's application for coverage or limit or exclude benefits for specific health conditions existing at or prior to the effective date of coverage thereunder. Such policy may impose a preexisting condition exclusion, not to exceed 90 days following the date of enrollment, for benefits for conditions whether mental or physical, regardless of the cause of the conditions for which medical advice, diagnosis, care or treatment was recommended or received in the 90 days prior to the effective date of enrollment. Any preexisting condition exclusion shall run concurrently with any waiting period."

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

On roll call, the vote was: Yeas 15; Nays 24; Present and Passing 0; Absent or Not Voting 1.

Yeas: Bollier, Denning, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Longbine, Lynn, Miller, Petersen, Sykes, Ware.

Nays: Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Estes, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Masterson, McGinn, Olson, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Pettey.

The amendment failed.

EXPLANATION OF VOTE

Mr. Chairman: **SB 32** is a “non-insurance healthcare benefits coverage” bill. Adding this amendment to the bill makes this an insurance bill. I vote “NO” to maintain the intent of the non-insurance healthcare benefits. To be clear, I believe that ALL insurance plans should be required to provide coverage for pre-existing health conditions. Thank you Mister Chair.—MOLLY BAUMGARDNER

Senators Berger, Bowers, Goddard, Hardy, Hilderbrand, Masterson, McGinn, Olson, Rucker, Tyson and Wagle request the record to show they concur with the "Explanation of Vote" offered by Senator Baumgardner on **SB 32**.

Mr. Chairman: As a Senator that has just come off an election, that saw my fair share of creative post cards, I would like to explain my “NO” vote on this amendment that would require a company that wants to offer a Health Benefit Plan to cover pre-existing conditions. This vote in no way was a vote to deny coverage to any Kansan that would have a pre-existing condition. They are still able to get coverage under the ACA Health Exchange which does offer Health Insurance Policies. A no vote on this Amendment only means that we are not going to require a Health Benefit Plan to be required to cover the same coverages as the ACA Health Insurance Policies.—RICHARD HILDERBRAND

Senators Bowers, Goddard, Masterson, Olson, Rucker and Tyson request the record to show they concur with the "Explanation of Vote" offered by Senator Hilderbrand on **SB 32**.

Mr. Chairman: Pre-existing condition provisions caused skyrocketing premiums, pricing 2.5 million people out of insurance, as reported by the Kaiser Foundation. According to a Gallup poll, citizens are more concerned about rising health premiums than pre-existing conditions. We should support lower cost of acquiring health care coverage, so people can have it before they develop what would otherwise be pre-existing conditions.—MARY PILCHER-COOK

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **SB 32** was advanced to Final Action and roll call.

SB 32, AN ACT exempting certain non-insurance healthcare benefits coverage from the jurisdiction of the commissioner of insurance; amending K.S.A. 2018 Supp. 40-2222, 40-2222a and 40-2222b and repealing the existing sections.

On roll call, the vote was: Yeas 28; Nays 11; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Doll, Estes, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Nays: Bollier, Denning, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Miller, Sykes, Ware.

Absent or Not Voting: Pettey.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: I vote "NO" on **SB 32**. I appreciate the Farm Bureau bringing this idea to the Legislature and the spirited debate. I agree that **SB 32** hopes to help farm families facing health care and health insurance issues. Unfortunately, **SB 32** will allow the Farm Bureau to effectively launch their own health coverage business without having to follow most of the rules that insurance companies must obey. Consumers with pre-existing conditions will almost surely be turned away or offered excessive prices to buy into the Farm Bureau plans. There's no legal requirement for the Farm Bureau to allow their customers to renew their health policies, meaning a customer who becomes sick with a costly condition could have their coverage ended legally. Farm Bureau has shared that they expect 42,000 enrollees, proving that this will be marketed far beyond farm families who may legitimately need help finding affordable insurance. We should be exploring solutions that will provide these families with comprehensive, affordable coverage that won't leave them subject to substandard care and may, in fact, increase the cost of insurance for other Kansans.—TOM HAWK

Senators Bollier, Francisco, Haley, Hensley, Miller and Sykes request the record to show they concur with the "Explanation of Vote" offered by Senator Hawk on **SB 32**.

COMMUNICATIONS FROM STATE OFFICERS

February 18, 2019

Kansas Attorney General, Derek Schmidt, submitted the 2018 annual report of the Crime Victims Compensation Board.

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

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2070**, **HB 2123**, **HB 2143**, **HB 2199**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2070, **HB 2123**, **HB 2143**, **HB 2199** were thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SB 49**; **HB 2001** be passed.

Committee on **Education** recommends **SB 16** be amended on page 3, in line 17, after "graduates" by inserting ", boys and girls club"; and the bill be passed as amended.

Also, recommends **SB 128** be amended on page 2, in line 3, by striking "drill is" and inserting "drills are"; in line 16, by striking "April" and inserting "March"; and the bill be passed as amended.

Committee on **Ethics, Elections and Local Government** recommends **SB 105** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Federal and State Affairs** recommends **SB 99** be amended on page 16, in line 1, by striking "members" and inserting "member"; also in line 1, after "of" by inserting "a"; in line 2, by striking "teams" and inserting "team";

On page 1, in the title, in line 2, after the second semicolon by inserting "authorized activities of certain emergency medical services providers;"; in line 3, by striking all after the semicolon; in line 4, by striking all before "updating" and inserting "establishing the medical services criminal history and fingerprinting fund;"; and the bill be passed as amended.

Also, **HB 2035** be amended on page 2, following line 4, by inserting:

"Sec. 2. K.S.A. 2016 Supp. 41-308, as amended by section 6 of chapter 56 of the 2017 Session Laws of Kansas, is hereby amended to read as follows: 41-308. (a) Except as provided in K.S.A.-~~2016~~ 2018 Supp. 41-308d, and amendments thereto, a retailer's license shall allow the licensee to sell and offer for sale at retail and deliver in the original package, as therein prescribed, alcoholic liquor and cereal malt beverage for use or consumption off and away from the premises specified in such license.

(b) A retailer's license shall permit sale and delivery of alcoholic liquor and cereal malt beverage only on the licensed premises and shall not permit sale of alcoholic liquor and cereal malt beverage for resale in any form, except that a licensed retailer may:

(1) Sell alcoholic liquor and cereal malt beverage to a temporary permit holder for resale by such permit holder; and

(2) sell and deliver alcoholic liquor and cereal malt beverage to a caterer or to the licensed premises of a public venue, club or drinking establishment, if such premises are in the county where the retailer's premises are located or in an adjacent county, for resale by such public venue, club, establishment or caterer.

(c) A retailer may:

(1) Charge a delivery fee for delivery of alcoholic liquor and cereal malt beverage to a public venue, club, drinking establishment or caterer pursuant to subsection (b);

(2) sell lottery tickets and shares to the public in accordance with the Kansas lottery act, if the retailer is selected as a lottery retailer;

(3) include in the sale of alcoholic liquor and cereal malt beverage any goods included by the manufacturer in packaging with the alcoholic liquor or cereal malt beverage, subject to the approval of the director;

(4) distribute to the public, without charge, consumer advertising specialties bearing advertising matter, subject to rules and regulations of the secretary limiting the form and distribution of such specialties so that they are not conditioned on or an inducement to the purchase of alcoholic liquor or cereal malt beverage;

(5) store alcoholic liquor and cereal malt beverage in refrigerators, cold storage units, ice boxes or other cooling devices, and the licensee may sell such alcoholic liquor and cereal malt beverage to consumers in a chilled condition; and

(6) sell any other good or service on the licensed premises, except that the gross sales of other goods and services, excluding fees derived from the sale of lottery tickets and revenues from sales of cigarettes and tobacco products, shall not exceed 20% of the retailer's total gross sales.

(d) All alcoholic liquor cereal malt beverage and nonalcoholic malt beverage sold by a holder of a retail license shall be subject to the liquor enforcement tax imposed by K.S.A. 79-4101, and amendments thereto.

Sec. 3. K.S.A. 2018 Supp. 79-4101 is hereby amended to read as follows: 79-4101.

(a) For the purpose of providing revenue which may be used by the state, counties and cities in the enforcement of the provisions of this act, from and after the effective date

of this act, for the privilege of engaging in the business of selling alcoholic liquor by retailers, microbreweries, microdistilleries or farm wineries to consumers in this state or selling alcoholic liquor or cereal malt beverage by distributors to clubs, drinking establishments, public venues or caterers in this state, there is hereby levied and there shall be collected and paid a tax at the rate of 8% upon the gross receipts received from: (1) The sale of alcoholic liquor, cereal malt beverage and nonalcoholic malt beverage by retailers; ~~(2) the sale of alcoholic liquor~~ by microbreweries, microdistilleries or farm wineries to consumers within this state; and ~~(2)~~ (3) the sale of alcoholic liquor or cereal malt beverage by distributors to clubs, drinking establishments, public venues or caterers in this state.

(b) The tax imposed by this section shall be in addition to the license fee imposed on distributors, retailers, microbreweries, microdistilleries and farm wineries by K.S.A. 41-310, and amendments thereto.";

Also on page 2, in line 5, after "K.S.A." by inserting "2016 Supp. 41-308, as amended by section 6 of chapter 56 of the 2017 Session Laws of Kansas, and K.S.A."; also in line 5, by striking "is" and inserting "and 79-4101 are"; in line 6, after ""after" by inserting "April 1, 2019, and";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "amending" by inserting "K.S.A. 2016 Supp. 41-308, as amended by section 6 of chapter 56 of the 2017 Session Laws of Kansas, and"; in line 3, after "41-106" by inserting "and 79-4101"; also in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

SB 53, SB 105 be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Financial Institutions and Insurance** recommends **SB 15** be amended on page 3, in line 4, by striking the colon; in line 5, by striking "(a)"; in line 9, by striking all after "from"; by striking all in lines 10 through 43;

On page 4, by striking all in lines 1 through 15; in line 16, by striking all before the period and inserting "a heart disease, contraction of a bloodborne pathogen as provided in this subsection or disease of the lung or respiratory tract or cancer, including, but not limited to, cancer of the brain, skin, digestive system, hematological system or genitourinary system as provided in this subsection, except that in the event that the member ceases to be a contributing member by reason of a service-connected disability for a period of six months or more and then again becomes a contributing member, the provision relating to death or disability resulting from a heart disease, contraction of a bloodborne pathogen as provided in this subsection, disease of the lung or respiratory tract or cancer as provided in this subsection shall not apply until such member has again become a contributing member for a period of not less than two years or unless clear and precise evidence is presented that the heart disease, contraction of a bloodborne pathogen as provided in this subsection, disease of the lung or respiratory tract or cancer as provided in this subsection was in fact occasioned by an act of duty as a policeman or fireman. If the retirement system receives evidence to the contrary of such presumption, the burden of proof shall be on the member or other party to present evidence that such death or disability was service-connected. The provisions of this subsection relating to the presumption that the death or disability resulting from cancer was service-connected shall only apply if the condition that caused the death or disability is a type of cancer that may, in general, result from exposure to heat, radiation

or a known carcinogen. For purposes of this subsection, "bloodborne pathogen" includes any disease that is present in human blood and is designated as infectious or contagious by the secretary of health and environment through rules and regulations adopted pursuant to K.S.A. 65-158, and amendments thereto"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 121** be amended on page 1, in line 25, after "system" by inserting "for future service"; and the bill be passed as amended.

Also, recommends **SB 109** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Judiciary** recommends **SB 45** be amended on page 5, in line 35, after "against" by inserting ": (i)"; in line 36, after "employee" by inserting "; or (ii) a person complying with a lawful order from or at the direction of any law enforcement officer"; in line 38, after "against" by inserting ": (i)"; in line 39, after "employee" by inserting "; or (ii) a person complying with a lawful order from or at the direction of any law enforcement officer";

On page 7, in line 20, after the comma by inserting "emergency medical services provider,"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SR 1711, SR 1712, SR 1713, SR 1714 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 20, 2019.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Thursday, February 21, 2019.

Journal of the Senate

TWENTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 21, 2019, 2:30 p.m.

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

The roll was called with 40 senators present.

The Vice President introduced guest Chaplain, Reverend Verdell Taylor, St. Luke African Methodist Episcopal Church in Lawrence and guest of Senators Holland and Hensley, to deliver the invocation.

Most gracious Heavenly Father, we ask for special blessings upon these elected officials and staff members gathered together in this Senate Chamber to do the difficult and challenging work before them. Dear God, we ask that each Senator do their best to represent their constituency to the best of their ability.

Father in Heaven, please let these elected officials do what is right for the citizens of the Great State of Kansas. Dear God, help these Senators understand the issues that so many Kansans face on a daily basis, such as achieving the best education possible, school safety, health care benefits and having adequate finances to care for their families.

Dear Heavenly Father, help us to have respect for one another and acknowledge our individual differences. Help us to realize that You created each of us differently for Your purposes. Thank You, God, for the talents that You have given us individually and collectively. Dear God, we thank You for the accomplishments and contributions of all people. We especially thank You for the inventions and contributions of Black Americans, as we observe Black History Month.

Again, God, we ask that You bless these Senators, as they continue their work. In the Precious Name of Almighty God, I pray. Amen.

The Pledge of Allegiance was led by Vice President Longbine.

POINT OF PERSONAL PRIVILEGE

Senator Billinger rose on a Point of Personal Privilege to offer the following remarks:

It is my honor to recognize today the Fort Hays State University Shot Gun Team, winners of the 2018 Scholastic Clay Target Program, College Division II National Championship held in Marengo, Ohio. This talented group of students represented Kansas well, placing across all divisions of competition. There were 220 shooters representing 22 colleges from across the United States. This is one of four national championships the FHSU Shotgun Team has won. They were the ACUI Division II National Champions – in both 2013 and 2014 and the SCTP College Division II National Champions in 2016. Since its inception, the Fort Hays State University team

has benefited from quality instruction and coaching in shooting sports. The team successfully has competed at the local, state and national level. In the fall of 2018, the team earned highest overall honors at the FHSU Collegiate Shoot; the Five State Prairie Circuit Championship; the Bulldog Invitational at Concordia University, Nebraska; the Bronco Invitational at Hastings College, also in Nebraska; and the ACUI Super Shoot in Tillar, Arkansas – a Super Shoot includes both American and Olympic events. The team has continued to compete at the highest level. This month, the Fort Hays State Shotgun Team picked up first place honors at the ACUI Lower East Coast Conference Championship in Savannah, Ga. Allow me to introduce members of the team: Coach Duane Shephard, his wife, Teresa; Brock Barton, Blake Craig, Josh Crankshaw, Katie Dettmann, Will Dulobery, Gus Dunbar, Cody Escritt, Heather Gordon, Luke Heinzen, Colton Lashley, Jerrod Lies, Hank McVeigh, Keegan Morgan, Wyatt Pursell, Riley Ross, Michael Saint, Jenny Schoenecker, Hunter Secrest, Lane Sorensen, Ryan St. Peters, Austin Svoboda, Cordell Waggoner, Jake Whipple, Cole Ziegelmeier, Jay Ziegemeier, and Haily Zulkoski. Accompanying the students today is Fort Hays President, Dr. Tisa Mason.

Senators honored the team with applause.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **HB 2123**.

Financial Institutions and Insurance: **SB 209; HB 2143**.

Public Health and Welfare: **HB 2199**.

Transportation: **HB 2070**.

Ways and Means: **SB 208, SB 210**.

CHANGE OF REFERENCE

The Vice President withdrew **SB 150** from the Committee on **Judiciary**, and referred the bill to the Committee on **Ways and Means**.

The Vice President withdrew **SB 194** from the Committee on **Public Health and Welfare**, and referred the bill to the Committee on **Ways and Means**.

The Vice President withdrew **SB 27** from the Calendar under the heading of **General Orders**, and rereferred the bill to the Committee on **Commerce**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2087, HB 2097, HB 2104, HB 2105, HB 2125, HB 2127**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2087, HB 2097, HB 2104, HB 2105, HB 2125, HB 2127 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Faust-Goudeau and Haley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1715—

A RESOLUTION recognizing the members of Delta Sigma Theta Sorority, Inc. for their outstanding service to the citizens of our state, our nation and the international community, and for their promotion of sisterhood, scholarship and service.

WHEREAS, Delta Sigma Theta Sorority, Inc. is a private, not-for-profit organization whose purpose is to provide assistance and support through established programs in local communities throughout the world. The organization is a sisterhood of predominantly black, college-educated women; and

WHEREAS, On January 13, 2019, Delta Sigma Theta Sorority, Inc. celebrated 106 years of thoughtful service to and conscientious leadership in communities throughout the United States and the world in diverse fields relating to public service and the organization's five-point programmatic thrust: Economic development, educational development, international awareness and involvement, physical and mental health, and political awareness and involvement; and

WHEREAS, On January 13, 1913, Delta Sigma Theta Sorority, Inc. was founded at Howard University in the District of Columbia by: Osceola Macarthy Adams, Marguerite Young Alexander, Winona Cargile Alexander, Ethel Cuff Black, Bertha Pitts Campbell, Zephyr Chisom Carter, Edna Brown Coleman, Jessie McGuire Dent, Frederica Chase Dodd, Myra Davis Hemmings, Olive Jones, Jimmie Bugg Middleton, Pauline Oberdorfer Minor, Vashti Turley Murphy, Naomi Sewell Richardson, Mamie Reddy Rose, Eliza Pearl Shippen, Florence Letcher Toms, Ethel Carr Watson, Wertie Blackwell Weaver, Madree Penn White and Edith Motte Young; and

WHEREAS, In March 1913, the founders of Delta Sigma Theta Sorority, Inc. participated in the Women's Suffrage March in the District of Columbia, the sorority's first public act; and

WHEREAS, Since its founding, more than 200,000 women have joined the organization. Delta Sigma Theta Sorority, Inc. has eight chapters in Kansas: Eta Gamma, Psi, Geary Riley Saline Alumnae, Topeka Alumnae, Kansas City (KS) Alumnae, Wichita Alumnae, Leavenworth Alumnae and Zeta Beta. There are a total of 1,000 chapters located in the United States, England, Japan, Germany, the Virgin Islands, Bermuda, the Bahamas and South Korea: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the members of Delta Sigma Theta Sorority, Inc. for their outstanding service to the citizens of our state, our nation and the international community, and for their promotion of sisterhood, scholarship and service; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Trudy Baker, Teketa Harding, Sue Wilson, Dominique Harris and Senators Faust-Goudeau and Haley.

On emergency motion of Senator Faust-Goudeau **SR 1715** was adopted by voice vote.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **SB 60, SB 90** be passed.

Also, recommends **HB 2044** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Judiciary** recommends **SB 77** be amended on page 1, in line 9, by striking "problem"; also in line 9, after "behavior" by inserting "problems"; in line 12, by striking "offer counseling" and inserting "provide a referral to a child advocacy center"; also in line 12, after the third comma by inserting "offer"; in line 14, by striking "problem"; also in line 14, after "behavior" by inserting "problems"; in line 17, by striking all after "future"; in line 18, by striking all before "sexual"; also in line 18, after "behavior" by inserting "problems by such child"; in line 22, by striking "abuse" and inserting "behavior problems"; in line 25, by striking "problem"; also in line 25, after "behavior" by inserting "problems";

Also on page 1, in the title, in line 2, by striking "problem"; also in line 2, after "behavior" by inserting "problems"; and the bill be passed as amended.

Also, recommends **SB 78** be amended on page 1, in line 16, after "interior" by inserting "repair"; in line 23, by striking "garage" and inserting "structure"; in line 25, by striking "sheathing" and inserting "deck, roof ventilation"; in line 34, before "YOU" by inserting "AN ASSIGNMENT OF RIGHTS OR BENEFITS IS VOLUNTARY.";

On page 2, in line 2, by striking "HOMEOWNER" and inserting "POLICY HOLDER"; in line 8, after "(3)" by inserting "The residential contractor shall provide the assignment to the insurer of the residential real estate within three days after the assignment is signed.

(4) ";

Also on page 2, in line 10, by striking all after the period; by striking all in lines 11 and 12;

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

Committee on **Transportation** recommends **SB 63** be passed.

Also, recommends **SB 62** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 62," as follows:

Substitute for SENATE BILL No. 62

By Committee on Transportation

"AN ACT regulating traffic; concerning authorized emergency vehicles; relating to police vehicles; exempting police vehicle drivers engaged in certain actions from audible or visual requirements; allowed actions by driver.";

And the substitute bill be passed.

Committee on **Transportation** recommends **SB 97** be amended on page 1, in line 26, by striking "a"; and the bill be passed as amended.

On motion of Senator Denning, the Senate adjourned until 8:00 a.m., Friday, February 22, 2019.

Journal of the Senate

TWENTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 22, 2019, 8:00 a.m.

The Senate was called to order by Senator Carolyn McGinn.
The roll was called with 31 senators present.
Senators Alley, Doll, Estes, Hawk, Hensley, Longbine, Olson, Sykes and Wagle were excused.

Invocation by Reverend Cecil T. Washington:

Lord, You've blessed us to see another weekend. As we bring the week to an end, don't let us end feeling weak. Give us a strong weekend. Give us a vigorous, yet easy weekend. As we take a break from the daily grind, let the weekend be refreshing and uplifting.

As we engage with family and loved ones...as we interact with neighbors, help us to protect and strengthen relationships. As we come and go, give us safe travel. If we find ourselves confronted with any problems, give us the energy, wisdom and guidance for resolution.

In Joshua 1:7, You gave Your people the keys to success. Help us apply them for ourselves. You told Your people to be strong, to be courageous, to be careful to obey You, to be careful to not stray, to be careful to follow all the principles in Your Word. And the results we can expect will be success and prosperity. So Lord, give us Your protection and grace for our travels. In Jesus' Name, I pray. Amen.

The Pledge of Allegiance was led by Senator McGinn.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 211, AN ACT concerning the attorney general; relating to youth suicide prevention; appointment of a Kansas youth suicide prevention coordinator; duties, by Committee on Federal and State Affairs.

SB 212, AN ACT concerning the attorney general; relating to victim notification; creating a statewide Kansas victim information and notification everyday (VINE) coordinator, by Committee on Federal and State Affairs.

SB 213, AN ACT concerning open government; relating to the attorney general; legal representation or indemnification in alleged violations of the open records act or the open meetings act; amending K.S.A. 45-215 and K.S.A. 2018 Supp. 75-4317 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 214, AN ACT concerning the state child death review board; relating to confidentiality of records; exceptions; amending K.S.A. 2018 Supp. 22a-243 and

repealing the existing section, by Committee on Federal and State Affairs.

SB 215, AN ACT concerning crimes, punishment and criminal procedure; relating to acts of domestic battery; batterer intervention programs; endangering a child; amending K.S.A. 2018 Supp. 21-5414 and 21-5601 and repealing the existing sections, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Judiciary: **HB 2097, HB 2104, HB 2105.**

Transportation: **HB 2087, HB 2125, HB 2127.**

CHANGE OF REFERENCE

Under the authority of the President, Senator McGinn withdrew **SB 150** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Judiciary**.

Under the authority of the President, Senator McGinn withdrew **SB 194** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Public Health and Welfare**.

REPORTS OF STANDING COMMITTEES

Committee on **Utilities** recommends **SB 68** be amended on page 5, in line 9, by striking "(1)"; by striking all in lines 23 through 28; in line 30, by striking "(1)";

On page 10, following line 2, by inserting:

"(t) (1) Except as further provided in paragraph (2), a city:

(A) Shall not require a wireless services provider or a wireless infrastructure provider to enter into a franchise, franchise agreement, franchise ordinance, contract franchise or contract franchise ordinance, or otherwise impose any franchise-related obligation on such providers for the provision of wireless services;

(B) may, consistent with federal and state law, govern the use of the public right-of-way by a wireless services provider or a wireless infrastructure provider through a master license agreement, permitting requirements and municipal ordinances or codes, or any combination thereof; and

(C) may assess a wireless services provider or a wireless infrastructure provider a fixed right-of-way access fee for each small cell facility that the provider deploys that requires use of the city's public right-of-way, but such fee shall not be based on such provider's gross receipts derived from services provided within the city's corporate limits.

(2) The provisions of paragraph (1) shall only apply to a wireless infrastructure provider to the extent of such provider's operations and services as a provider for the deployment of small cell facilities in the city's public right-of-way that are used for the provision of wireless services. Nothing in this subsection shall be construed to apply to such provider's other operations and services as a utility or otherwise or have any effect on any franchise that is related to such other operations and services.

(3) Nothing in this subsection shall be construed as prohibiting a city from requiring a telecommunications local exchange service provider to enter into a valid contract franchise ordinance pursuant to this section.

(4) For the purposes of this subsection, the terms "public right-of-way," "small cell

facility," "wireless infrastructure provider," "wireless services" and "wireless services provider" shall have the same meaning as provided in K.S.A. 66-2019, and amendments thereto."; and the bill be passed as amended.

TRIBUTES

The Committee on **Organization, Calendar, and Rules** authorizes the following tributes for the week of February 18 through February 22, 2019:

Senator Billinger: congratulating the Fort Hays University Shooting Club on its success at the 2018 Scholastic Clay Target Program College National Championships;

Senator Bowers: congratulating Amanda Merrill on receiving the Girl Scout Gold Award, congratulating Janet Seehafer on being named the 2018 Northwest High School Choir Teacher of the Year;

Senator Braun: congratulating Ashley Nooner on being named to the All-Kansas Academic Team, congratulating Tye Sanders on being named to the All-Kansas Academic Team, congratulating Bianca McSwiggan on being named to the All-Kansas Academic Team;

Senator Faust-Goudeau: extending official recognition to the 8th Annual Art that Touches the Heart Event;

Senator Miller: congratulating Paul Borcharding on being named to the All-Kansas Academic Team;

Senator Olson: congratulating Grace Genis on receiving the Girl Scout Gold Award, congratulating Claire Genis on receiving the Girl Scout Gold Award; and

Senator Ware: congratulating Blake Taylor on receiving the Wayne Osness Award for his work as a physical education instructor.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Monday, February 25, 2019.

Journal of the Senate

THIRTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 25, 2019, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 39 senators present.

Senator Estes was excused.

Invocation by Reverend Cecil T. Washington:

Lord, here we are again, grateful for Your provision. You've continued to sustain and keep us in Your care. As we take on the challenges that face us during this time, keep us from being so proud of our abilities that we think, "We've got this!"

For too often in the past You've allowed us to fall on our faces, so as to reveal our inadequacies when we're not leaning and depending upon You. In 2 Corinthians 12:6-9, the Apostle Paul admitted that he was forced to deal with a recurring problem that was too much for him. He said You allowed him to experience the enormity of the problem that it might humble him, that his inability to fix it would keep him looking to You and, in meekness, depending upon You. You then gave him the same assurance that we are seeking, that the provision of Your grace, the desire and power that comes from You, will be sufficient to meet the needs of today.

We've learned that You don't save us from problems...You don't take them away, You save us while we're facing them...while we're in them. You open our eyes to the reality that You are the Real Problem Solver. So, Lord, help us to just be vessels, just humble vessels of Your grace. I offer this petition, in the Name of the Savior, Amen.

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 216, AN ACT concerning state moneys; relating to allowable investments of state moneys; securities issued by the state of Israel; amending K.S.A. 2018 Supp. 75-4209 and repealing the existing section, by Committee on Federal and State Affairs.

SB 217, AN ACT concerning insurance; relating to health insurance; requiring the state healthcare benefits program to accept participation as a provider by any willing pharmacist, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committee as indicated:

Judiciary: **SB 211, SB 212, SB 213, SB 214, SB 215.**

CHANGE OF REFERENCE

An objection having been made to **SB 109** appearing on the **Consent Calendar**, the President directed the bill be removed and placed on the calendar under the heading of **General Orders**.

The President withdrew **SB 168** from the Committee on **Commerce**, and referred the bill to the Committee on **Ways and Means**.

The President withdrew **SB 157** from the Committee on **Judiciary**, and referred the bill to the Committee on **Ways and Means**.

The President withdrew **SB 122** from the Committee on **Public Health and Welfare**, and referred the bill to the Committee on **Ways and Means**.

The President withdrew **SB 156** from the Committee on **Education**, and referred the bill to the Committee on **Senate Select Committee on Education Finance**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2007**, **HB 2085**, **HB 2101**, **HB 2119**.

Also, announcing passage of **SB 9**.

Announcing passage of **HB 2201**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2007, **HB 2085**, **HB 2101**, **HB 2119**, **HB 2201** were thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

The Committee on **Agriculture and Natural Resources** recommends **SB 152** be amended on page 9, in line 35, after "wells" by inserting ", but in no case shall such fees exceed \$400, except any facility fee, which shall not exceed \$4,000"; following line 40, by inserting:

"Sec. 3. K.S.A. 65-4513 is hereby amended to read as follows: 65-4513. The secretary shall establish a reasonable schedule of fees, but in no case shall an individual operator fee exceed ~~twenty-five dollars (\$25) in any one year~~ \$125.";

On page 11, following line 3, by inserting:

"(e) No fees assessed pursuant to this section shall exceed \$100, except the water well contractor license fee, which shall not exceed \$200.";

Also on page 11, in line 4, after "65-171d" by inserting ", 65-4513";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "65-171d" by inserting ", 65-4513"; and the bill be passed as amended.

Committee on **Assessment and Taxation** recommends **SB 125**, **SB 178** be passed.

Also, **SB 135** be amended on page 1, in line 15, after "Ellsworth," by inserting "Ford,"; in line 18, after "Meade," by inserting "Miami,"; and the bill be passed as amended.

SB 140 be amended on page 1, in line 5, by striking "all"; in line 6, after the comma by inserting "and before January 1, 2024,"; in line 7, after "act" by inserting "and the privilege tax pursuant to K.S.A. 79-1106 et seq., and amendments thereto,"; also in line 7, by striking "70%" and inserting "50%"; in line 9, after "thereto," by inserting "or subject to the privilege tax pursuant to K.S.A. 79-1107 and 79-1108, and amendments

thereto,"; in line 18, after "thereto" by inserting ", or the privilege tax on financial institutions pursuant to K.S.A. 79-1107 and 79-1108, and amendments thereto"; in line 22, after "act" by inserting "or the privilege tax"; in line 24, after "income" by inserting "or privilege"; in line 26, after "income" by inserting "or privilege"; on page 1, in the title, in line 1, by striking "income"; also in line 1, after "to" by inserting "income and privilege tax;" and the bill be passed as amended.

Committee on **Commerce** recommends **SB 27** be passed.

Committee on **Education** recommends **SB 199** be passed.

Committee on **Ethics, Elections and Local Government** recommends **SB 129** be passed.

Also, **SB 130** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 130," as follows:

Substitute for SENATE BILL No. 130

By Committee on Ethics, Elections and Local Government

"AN ACT concerning elections; relating to advance ballots; amending K.S.A. 2018 Supp. 25-1124 and repealing the existing section.; and the substitute bill be passed.

SB 131 be amended on page 1, in line 19, after "election" by inserting "date"; and the bill be passed as amended.

SCR 1605 be adopted.

The Committee on **Federal and State Affairs** recommends **SB 70** be amended on page 4, in line 10, by striking "distributor" and inserting "retailer and the retailer may pay the distributor"; in line 13, by striking "licensee" and inserting "retailer or farm winery";

On page 9, in line 27, after "a" by inserting "public venue, hotel, hotel caterer, drinking establishment caterer or"; in line 38, after "a" by inserting "public venue, hotel, hotel caterer, drinking establishment caterer or";

On page 15, in line 12, by striking "not"; in line 13, by striking all before the colon; also in line 13, by striking "One-half ounce of"; also in line 13, by striking "one ounce of"; in line 14, by striking "two ounces of"; in line 15, by striking all after "beverage"; in line 16, by striking "spirits" and inserting "may also be served"; following line 36, by inserting:

"Sec. 11. K.S.A. 2018 Supp. 41-2622 is hereby amended to read as follows: 41-2622. (a) At the time application is made to the director for a license pursuant to the club and drinking establishment act, the applicant shall pay the following license fee in the manner provided by K.S.A. 41-2606, and amendments thereto:

(1) For a class A club which is a bona fide nonprofit fraternal or war veterans' club, as defined by rules and regulations of the secretary, \$500;

(2) for a class A club which is a bona fide nonprofit social club, as defined by rules and regulations of the secretary, and which has not more than 500 members, \$1,000;

(3) for a class A club which is a bona fide nonprofit social club, as defined by rules and regulations of the secretary, and which has more than 500 members, \$2,000;

(4) for a class B club, \$2,000;

(5) for a caterer, \$1,000;

(6) for a drinking establishment, \$2,000;

(7) for a hotel of which the entire premises are licensed as a drinking establishment, \$6,000;

(8) for a drinking ~~establishment/caterer~~ establishment caterer, \$3,000;

(9) for a drinking ~~establishment/caterer~~ establishment caterer, if the drinking establishment is a hotel of which the entire premises are licensed as a drinking establishment, \$7,000;

(10) for a public venue with a maximum capacity of not more than 10,000 persons, \$5,000;

(11) for a public venue with a maximum capacity of not more than 25,000 persons, \$7,500; and

(12) for a public venue with a maximum capacity exceeding 25,000 persons, \$10,000.

(b) In addition to the fee provided by subsection (a), any city where the licensed premises of a club or drinking establishment are located or, if such licensed premises are not located in a city, the board of county commissioners of the county where the licensed premises are located may levy and collect a biennial occupation or license tax from the licensee in an amount equal to not less than \$200 nor more than \$500.

(c) In addition to the fee provided by subsection (a), any city where the licensed premises of a public venue is located or, if such licensed premises is not located in a city, the board of county commissioners of the county where the licensed premises is located may levy and collect a biennial occupation or license tax from the licensee in an amount not more than \$1,000.

(d) No occupational or excise tax or license fee other than that authorized by subsection (b) or (c) shall be levied by any city or county against or collected from a licensed public venue, club or drinking establishment.

(e) The director shall remit all moneys received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Of each such deposit, 50% shall be credited to the state general fund, and the remaining 50% shall be credited to the other state fees fund of the Kansas department for aging and disability services. In addition to other purposes for which expenditures may be made from the other state fees fund of the Kansas department for aging and disability services, expenditures may be made by the secretary for aging and disability services for the purpose of implementing the powers and duties of the secretary under the provisions of K.S.A. 65-4006 and 65-4007, and amendments thereto.

Sec. 12. K.S.A. 2018 Supp. 41-2637 is hereby amended to read as follows: 41-2637. (a) A license for a class A club shall allow the licensee to: (1) Offer for sale, sell and serve alcoholic liquor for consumption on the licensed premises by members and their families, and guests accompanying them; and (2) serve samples of alcoholic liquor free of charge for consumption by members and their families and guests accompanying them.

No charge of any sort may be made for a sample serving. ~~A person may be served no more than five samples per visit.~~ Samples may not be served to a minor. No samples may be removed from the licensed premises. No consideration shall be requested or required for entry onto the premises, participation in any event taking place on the premises or to remain on the premises.

(b)(1) Subject to the provisions of subsection (b)(2), any two or more class A or class B clubs may permit, by an agreement filed with and approved by the director, the members of each such club to have access to all other clubs which are parties to such

agreement. The privileges extended to the visiting members of other clubs under such an agreement shall be determined by the agreement and, if the agreement so provides, any club which is a party to such agreement may sell, offer for sale and serve, to any person who is a member of another club which is a party to such agreement, alcoholic liquor for consumption on the licensed premises by such person and such person's family, and guests accompanying them.

(2) A class B club may enter into a reciprocal agreement authorized by subsection (b)(1) only if the class B club is a restaurant.

(c) A licensee may store on its premises wine sold to a customer for consumption at a later date on its premises in the unopened container. Such wine must be kept separate from all other alcohol stock and in a secure locked area separated by customer. Such wine shall not be removed from the licensed premises in its unopened condition.

Sec. 13. K.S.A. 2018 Supp. 41-2641 is hereby amended to read as follows: 41-2641. (a) A license for a class B club shall allow the licensee to: (1) Offer for sale, sell and serve alcoholic liquor for consumption on the licensed premises by members of such club and guests accompanying them; and (2) serve samples of alcoholic liquor free of charge on the licensed premises for consumption by such members and their families and guests accompanying them.

No charge of any sort may be made for a sample serving. ~~A person may be served no more than five samples per visit.~~ Samples may not be served to a minor. No samples may be removed from the licensed premises. Providing samples is prohibited for any licensee who charges a cover charge or entry fee at any time during the business day. No consideration shall be requested or required for entry onto the premises, participation in any event taking place on the premises or to remain on the premises.

(b) (1) Subject to the provisions of subsection (b)(2), any two or more class A or class B clubs may permit, by an agreement filed with and approved by the director, the members of each such club to have access to all other clubs which are parties to such agreement. The privileges extended to the visiting members of other clubs under such an agreement shall be determined by the agreement and, if the agreement so provides, any club which is a party to such agreement may sell, offer for sale and serve, to any person who is a member of another club which is a party to such agreement, alcoholic liquor for consumption on the licensed premises by such person and such person's family, and guests accompanying them.

(2) A class B club may enter into a reciprocal agreement authorized by subsection (b)(1) only if the class B club is a restaurant.

(c) Except as provided by subsection (d), an applicant for membership in a class B club shall, before becoming a member of such club:

(1) Be screened by the club for good moral character; and

(2) pay an annual membership fee of not less than \$10.

(d) Notwithstanding the membership fee requirement of subsection (c):

(1) Any class B club located on the premises of a hotel or RV resort may establish rules whereby a guest, who registered at the hotel or RV resort and who is not a resident of the county in which the club is located, may file application for temporary membership in such club. The membership, if granted, shall be valid only for the period of time that the guest is a bona fide registered guest at the hotel or RV resort and such temporary membership shall not be subject to the fee requirement of this section.

(2) Any class B club located on property which is owned or operated by a

municipal airport authority and upon which consumption of alcoholic liquor is authorized by law may establish rules whereby an air traveler who is a holder of a current airline ticket may file application for temporary membership in such club for the day such air traveler's ticket is valid, and such temporary membership shall not be subject to the fee requirement of this section.

(3) Any class B club may establish rules whereby military personnel of the armed forces of the United States on temporary duty and housed at or near any military installation located within the exterior boundaries of the state of Kansas may file application for temporary membership in such club. The membership, if granted, shall be valid only for the period of the training, not to exceed 20 weeks. Any person wishing to make application for temporary membership in a class B club under this subsection (d)(3) shall present the temporary duty orders to the club. Temporary membership issued under this subsection (d)(3) shall not be subject to the fee requirements of this section.

(4) Any class B club may enter into a written agreement with a hotel or RV resort whereby a guest who is registered at the hotel or RV resort and who is not a resident of the county in which the club is located may file application for temporary membership in such club. The temporary membership, if granted, shall be valid only for the period of time that the guest is a bona fide registered guest at the hotel or RV resort and shall not be subject to the fee requirement of this section. A club may enter into a written agreement with a hotel or RV resort pursuant to this provision only if: (A) The hotel or RV resort is located in the same county as the club; (B) there is no class B club located on the premises of the hotel or RV resort; and (C) no other club has entered into a written agreement with the hotel or RV resort pursuant to this section.

(5) Any class B club located in a racetrack facility where races with parimutuel wagering are conducted under the Kansas parimutuel racing act may establish rules whereby persons attending such races may file an application for temporary membership in such club for the day such person is attending such races, and such temporary membership shall not be subject to the fee requirement of this section.

(e) A licensee may store on its premises wine sold to a customer for consumption at a later date on its premises in the unopened container. Such wine must be kept separate from all other alcohol stock and in a secure locked area separated by customer. Such wine shall not be removed from the licensed premises in its unopened condition.

Sec. 14. K.S.A. 2018 Supp. 41-2642 is hereby amended to read as follows: 41-2642. (a) A license for a drinking establishment shall allow the licensee to offer for sale, sell and serve alcoholic liquor for consumption on the licensed premises which may be open to the public, and to serve samples of alcoholic liquor free of charge on licensed premises subject to the requirements of subsection (c), but only if such premises are located in a county where the qualified electors of the county:

(1) (A) Approved, by a majority vote of those voting thereon, the proposition to amend section 10 of article 15 of the constitution of the state of Kansas at the general election in November 1986; or (B) have approved a proposition to allow sales of alcoholic liquor by the individual drink in public places within the county at an election pursuant to K.S.A. 41-2646, and amendments thereto; and

(2) have not approved a proposition to prohibit such sales of alcoholic liquor in such places at a subsequent election pursuant to K.S.A. 41-2646, and amendments thereto.

(b) A drinking establishment shall be required to derive from sales of food for consumption on the licensed premises not less than 30% of all the establishment's gross receipts from sales of food and beverages on such premises unless the licensed premises are located in a county where the qualified electors of the county:

(1) Have approved, at an election pursuant to K.S.A. 41-2646, and amendments thereto, a proposition to allow sales of alcoholic liquor by the individual drink in public places within the county without a requirement that any portion of their gross receipts be derived from the sale of food; and

(2) have not approved a proposition to prohibit such sales of alcoholic liquor in such places at a subsequent election pursuant to K.S.A. 41-2646, and amendments thereto.

(c) No charge of any sort may be made for a sample serving. ~~A person may be served no more than five samples per visit.~~ Samples may not be served to a minor. No samples may be removed from the licensed premises. Providing samples is prohibited for any licensee who charges a cover charge or entry fee at any time during the business day. No consideration shall be requested or required for entry onto the premises, participation in any event taking place on the premises or to remain on the premises.

(d) A drinking establishment shall specify in the application for a license or renewal of a license the premises to be licensed, which may include all premises which are in close proximity and are under the control of the applicant or licensee.

(e) Notwithstanding any other provision of law to the contrary, any hotel of which the entire premises are licensed as a drinking establishment or as a drinking establishment/caterer may sell alcoholic liquor or cereal malt beverage by means of minibars located in guest rooms of such hotel, subject to the following:

(1) The key, magnetic card or other device required to attain access to a minibar in a guest room shall be provided only to guests who are registered to stay in such room and who are 21 or more years of age;

(2) containers or packages of spirits or wine sold by means of a minibar shall hold not less than 50 nor more than 200 milliliters; and

(3) a minibar shall be restocked with alcoholic liquor or cereal malt beverage only during hours when the hotel is permitted to sell alcoholic liquor and cereal malt beverage as a drinking establishment.

(f) A drinking establishment may store on its premises wine sold to a customer for consumption at a later date on its premises in the unopened container. Such wine must be kept separate from all other alcohol stock and in a secure locked area separated by customer. Such wine shall not be removed from the licensed premises in its unopened condition.";

Also on page 15, in line 38, after "2608" by inserting ", 41-2622, 41-2637, 41-2641, 41-2642";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "and" and inserting a comma; also in line 2, after "41-2608" by inserting ",41-2622, 41-2637, 41-2641 and 41-2642"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 81** be passed.

Also, **SB 80** be amended on page 2, in line 31, after "character" by inserting ", but does not include an ordinary pocked knife with no blade longer than four inches"; in line 33, by striking ", ammunition"; following line 33, by inserting:

"(d) This section does not apply to a person possessing a knife when used as a tool in connection with lawful employment or a kitchen knife used as intended for food preparation or consumption.";

On page 1, in the title, in line 2, by striking "ammunition;"; and the bill be passed as amended.

SB 108 be amended on page 1, following line 4, by inserting "WHEREAS, The provisions of K.S.A. 2018 Supp. 21-5405 and 21-5602, as amended by this act, shall be known as Mireya's law.

Now, therefore:";

On page 2, in line 17, by striking "3" and inserting "4"; by striking all in lines 22 through 43;

By striking all on page 3;

On page 4, by striking all in lines 1 through 14; in line 15, by striking the comma and inserting "and"; also in line 15, by striking "and 38-2271";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "children; relating to crimes and punishment;" and inserting "crimes, punishment and criminal procedure; relating to"; in line 2, by striking all after the second semicolon; in line 3, by striking all before "amending"; in line 4, by striking the comma and inserting "and"; also in line 4, by striking "and 38-2271"; and the bill be passed as amended.

SB 133 be amended on page 4, in line 10, by striking all after "weapon"; in line 11, by striking "but"; in line 18, after "may" by inserting "either: (A)"; in line 19, by striking "licensed" and inserting "properly licensed federal firearms"; in line 20, after "owner" by inserting "; or (B) bring an action in an appropriate court to request a court order to transfer the weapon as allowed by law"; and the bill be passed as amended.

SB 134 be amended on page 1, in line 9, by striking ", counterfeiting"; in line 13, by striking all after "been"; in line 14, by striking all before the semicolon and inserting "made, forged or altered with the intent to defraud"; in line 16, by striking the second comma; in line 17, by striking "counterfeit"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 61** be amended on page 2, by striking all in lines 20 through 43;

By striking all on page 3;

On page 4, by striking all in lines 1 through 34; in line 35, by striking ", 65-2802 and 65-2872 are" and inserting "is";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "classification as a branch of the healing arts;"; in line 3, by striking all before "amending"; also in line 3, by striking ", 65-2802 and 65-2872"; in line 4, by striking "sections" and inserting "section"; and the bill be passed as amended.

Also, **SB 162** be amended on page 1, in line 20, after "within" by inserting "a time period established by the Kansas department for children and families, not to exceed"; also in line 20, after "hours" by inserting a comma; in line 29, by striking "identity" and inserting "age and sex"; also in line 29, after "missing" by inserting ", if a different placement was previously determined to be more appropriate for the child but was unavailable for any reason"; following line 31, by inserting:

"(3) For any child who is reported as having spent an overnight period in a facility under the control of a contractor in accordance with this subsection, the foster care case

management contractor shall include the reasons why the child spent such overnight period in such facility.

(4) For any child reported in accordance with this subsection, the Kansas department for children and families shall add to such report which of the top five recommendations, if any, by the child welfare system task force have been implemented or addressed by the legislature.";

Also on page 1, in line 32, by striking "Within 48 hours of receipt of" and inserting "After receiving"; in line 33, after "shall" by inserting "notify"; in line 34, by striking "Notify"; also in line 34, by striking "and the legislature of such missing child" and inserting ", within 24 hours of receiving such notice"; in line 35, by striking "cause such information to be published in" and inserting "each member of the legislature and";

On page 2, in line 1, by striking the first "in"; in line 2, after "county" by inserting ", within 48 hours of receiving such notice"; and the bill be passed as amended.

SB 193 be amended on page 19, following line 4, by inserting:

"Sec. 25. K.S.A. 65-6306 is hereby amended to read as follows: 65-6306. (a) The board shall issue a license as a baccalaureate social worker to an applicant who:

(1) Has a baccalaureate degree from an accredited college or university, including completion of a social work program recognized and approved by the board, pursuant to rules and regulations adopted by the board;

(2) has passed an examination approved by the board for this purpose; and

(3) has satisfied the board that the applicant is a person who merits the public trust.

(b) The board shall issue a license as a master social worker to an applicant who:

(1) Has a master's degree from an accredited college or university, including completion of a social work program recognized and approved by the board, pursuant to rules and regulations adopted by the board;

(2) has passed an examination approved by the board for this purpose; and

(3) has satisfied the board that the applicant is a person who merits the public trust.

(c) The board shall issue a license in one of the social work specialties to an applicant who:

(1) Has a master's or doctor's degree from an accredited graduate school of social work, including completion of a social work program recognized and approved by the board, pursuant to rules and regulations adopted by the board;

(2) has had two years of full-time post-master's or post-doctor's degree experience under the supervision of a licensed social worker in the area of the specialty in which such applicant seeks to be licensed;

(3) has passed an examination approved by the board for this purpose; and

(4) has satisfied the board that the applicant is a person who merits the public trust.

(d) (1) The board shall issue a license as a specialist clinical social worker to an applicant who:

(A) Has met the requirements of subsection (c);

(B) has completed 15 credit hours as part of or in addition to the requirements under subsection (c) supporting diagnosis or treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, through identifiable study of the following content areas: Psychopathology, diagnostic assessment, interdisciplinary referral and collaboration, treatment approaches and professional ethics;

(C) has completed a graduate level supervised clinical practicum of supervised

professional experience including psychotherapy and assessment, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, with not less than 350 hours of direct client contact or additional postgraduate supervised experience as determined by the board;

(D) has completed as part of or in addition to the requirements of subsection (c) not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than ~~4,000~~ 3,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting psychotherapy and assessments with individuals, couples, families or groups and not less than ~~150~~ 100 hours of clinical supervision, including not less than 75 hours of person-to-person individual supervision, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual;

(E) for persons earning a degree under subsection (c) prior to July 1, 2003, in lieu of the education and training requirements under parts (B) and (C) of this subsection, has completed the education requirements for licensure as a specialist clinical social worker in effect on the day immediately preceding the effective date of this act;

(F) for persons who apply for and are eligible for a temporary license to practice as a specialist clinical social worker on the day immediately preceding the effective date of this act, in lieu of the education and training requirements under parts (B), (C) and (D) of this subsection, has completed the education and training requirements for licensure as a specialist clinical social worker in effect on the day immediately preceding the effective date of this act;

(G) has passed an examination approved by the board; and

(H) has paid the application fee.

(2) A licensed specialist clinical social worker may engage in the social work practice and is authorized to diagnose and treat mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations. When a client has symptoms of a mental disorder, a licensed specialist clinical social worker shall consult with the client's primary care physician or psychiatrist to determine if there may be a medical condition or medication that may be causing or contributing to the client's symptoms of a mental disorder. A client may request in writing that such consultation be waived and such request shall be made a part of the client's record. A licensed specialist clinical social worker may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

(3) Notwithstanding any other provision of this subsection, a licensed master social worker who has provided to the board an acceptable clinical supervision plan for licensure as a specialist clinical social worker prior to the effective date of this act shall be licensed as a specialist clinical social worker under this act upon completion of the requirements in effect for licensure as a specialist clinical social worker at the time the acceptable training plan is submitted to the board.

(4) A person licensed as a specialist clinical social worker on the day immediately preceding the effective date of this act shall be deemed to be a licensed specialist clinical social worker under this act. Such person shall not be required to file an original application for licensure as a specialist clinical social worker under this act.

(e) The board shall adopt rules and regulations establishing the criteria which a

social work program of a college or university shall satisfy to be recognized and approved by the board under this section. The board may send a questionnaire developed by the board to any college or university conducting a social work program for which the board does not have sufficient information to determine whether the program should be recognized and approved by the board and whether the program meets the rules and regulations adopted under this section. The questionnaire providing the necessary information shall be completed and returned to the board in order for the program to be considered for recognition and approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about a social work program of a college or university. In entering such contracts the authority to recognize and approve a social work program of a college or university shall remain solely with the board.";

Also on page 19, in line 5, after the second comma by inserting "65-6306,";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the second comma by inserting "65-6306,"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 138** be passed.

Also, **SB 94** be amended on page 1, in line 14, by striking "prevention" and inserting "avoidance"; also in line 14, by striking all after "duration,"; by striking all in line 15; in line 16, before the period by inserting "utilizing a nationally recognized driver training curriculum or a curriculum approved by a state or federal agency"; and the bill be passed as amended.

SB 136 be amended on page 1, in line 7, after "Kevin" by inserting "A."; also in line 7, by striking "veterans"; in line 10, after "Kevin" by inserting "A."; also in line 10, by striking "veterans";

Also on page 1, in the title, in line 2, after "Kevin" by inserting "A."; also in line 2, by striking "veterans"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 173** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

REPORT ON ENROLLED BILLS

SR 1715 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 25, 2019.

On motion of Senator Denning, the Senate adjourned until 10:00, Tuesday, February 26, 2019.

Journal of the Senate

THIRTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 26, 2019, 10:00 a.m.

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

God of Heaven, full of Wisdom and all Truth. I want to thank You for being so faithful, so consistent and trustworthy. We can truly depend on You when the reliability of others will tend to fall short. Your precious promises are Amen and Amen! The Words that come from You serve as a bridge, that will carry us over and above falsehood and transport us from doubt and uncertainty to a confident, dependable, unfailing optimism.

For You mean what You say! And You say what You mean! Lord, keep us from the arrogance of believing that what we say will overrule! We hear the words that come from around us, but we need to hear the Words that come from above us. Lord, by Your Spirit of Love, keep us from turning a deaf ear when You give us the hard sayings.

For You said, in Psalm 66:18 and Proverbs 28:9, that if we closed our ears and refused to listen to You, You would close Your ears and refuse to listen to us. So, Lord, speak! For we really are listening. My appeal to You is in the Name of Christ Jesus, Amen and Amen.

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 218, AN ACT concerning children and minors; relating to reporting of certain abuse and neglect; duly ordained minister of religion; amending K.S.A. 2018 Supp. 38-2223 and repealing the existing section, by Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **HB 2085**.

Financial Institutions and Insurance: **SB 217**; **HB 2101**, **HB 2119**.

Public Health and Welfare: **HB 2201**.

Transportation: **HB 2007**.

Ways and Means: **SB 216**.

COMMITTEE OF THE WHOLE

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

SB 60, SB 63, SB 67, SB 82, SB 90; HB 2001 be passed.

SB 15, SB 94, SB 97 be amended by the adoption of the committee amendments, and the bills be passed as amended.

SB 128 be amended by the adoption of the committee amendments, be further amended by motion of Senator Givens; on page 3, following line 5, by inserting:

"(d) The state fire marshal may grant an exemption pursuant to K.S.A. 31-136, and amendments thereto, that authorizes a variance for the number or manner of drills conducted pursuant to subsection (a)(5), (8) or (12) for students receiving special education or related services." and **SB 128** be passed as further amended.

SB 78 be amended by the adoption of the committee amendments, be further amended by motion of Senator Francisco; on page 1, in line 22, by striking the comma; in line 23, by striking all before "constructed"; in line 24, after "families" by inserting "and any related detached structures" and **SB 78** be passed as further amended.

The committee report on **SB 62** recommending **Sub SB 62** be adopted, and the substitute bill be passed.

A motion by Senator Pettey to amend **Sub SB 62** failed and the following amendment was rejected; on page 1, in line 7, by striking all after "Section 1."; by striking all in lines 8 through 36;

On page 2, by striking all in lines 1 through 22 and inserting "(a) The driver of an authorized emergency vehicle may:

(1) Park or stand in the median of a divided highway when actively engaged in traffic enforcement;

(2) park or stand in a restricted zone when responding to calls for service; and

(3) proceed through toll booths on roads or bridges but only after slowing down as may be necessary for safe operation.

(b) When exercising the privileges in subsection (a), the driver of an authorized emergency vehicle is not required to make use of audible signals meeting the requirements of K.S.A. 8-1738, and amendments thereto, or visual signals meeting the requirements of K.S.A. 8-1720, and amendments thereto.

(c) When exercising the privileges in subsections (a) and (b), the driver of an authorized emergency vehicle is not relieved of the requirements of K.S.A. 8-1506(d), and amendments thereto.

(d) This section shall be a part of and supplemental to article 15 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto.";

On page 1, in the title, in line 2, by striking all before "exempting"; also in line 2, by striking the second "police" and inserting "authorized emergency".

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

On roll call, the vote was: Yeas 9; Nays 29; Present and Passing 2; Absent or Not Voting 0.

Yeas: Bollier, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Pettey, Sykes, Ware.

Nays: Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Denning, Estes, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn,

Miller, Olson, Petersen, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Present and Passing: Doll, Hawk.

The committee rose and reported progress (See Committee of the Whole afternoon session.)

On motion of Senator Denning, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with Vice President Longbine in the chair.

COMMITTEE OF THE WHOLE

The Senate returned to the Committee of the Whole, for consideration of bills under the heading of General Orders with Senator Masterson in the chair.

On motion of Senator Masterson the report for the morning and afternoon sessions were adopted.

SB 16 be amended by the adoption of the committee amendments.

A motion by Senator Hensley to amend **SB 16** failed and the following amendment was rejected; on page 1, following line 6, by inserting:

"Section 1.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Operating expenditures (including official hospitality) (652-00-1000-0053).....\$13,477,957

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Special education

services aid (652-00-1000-0700).....\$497,880,818

Provided, That any unencumbered balance in the special education services aid account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures shall not be made from the special education services aid account for the provision of instruction for any homebound or hospitalized child, unless the categorization of such child as exceptional is conjoined with the categorization of the child within one or more of the other categories of exceptionality: *And provided further*, That expenditures shall be made from this account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-3425, and amendments thereto: *And provided further*, That expenditures shall be made from the amount remaining in this account, after deduction of the expenditures specified in the foregoing provisos, for payments to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-3422, and amendments thereto.

State foundation aid (652-00-1000-0820).....	\$2,317,774,923
<i>Provided</i> , That any unencumbered balance in the state foundation aid account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.	
Supplemental state aid (652-00-1000-0840).....	\$503,300,000
<i>Provided</i> , That any unencumbered balance in the supplemental state aid account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.	
Mentor teacher (652-00-1000-0440).....	\$1,300,000
Professional development (652-00-1000-0860).....	\$1,700,000
Information technology education opportunities (652-00-1000-0600).....	\$500,000
Discretionary grants (652-00-1000-0400).....	\$322,457
<i>Provided</i> , That the above agency shall make expenditures from the discretionary grants account during the fiscal year 2020, in the amount not less than \$125,000 for after school programs for middle school students in the sixth, seventh and eighth grades: <i>Provided further</i> ; That the after school programs may also include fifth and ninth grade students, if they attend a junior high: <i>And provided further</i> ; That such discretionary grants shall be awarded to after school programs that operate for a minimum of two hours a day, every day that school is in session, and a minimum of six hours a day for a minimum of five weeks during the summer: <i>And provided further</i> ; That the discretionary grants awarded to after school programs shall require a \$1 for \$1 local match: <i>And provided further</i> ; That the aggregate amount of discretionary grants awarded to any one after school program shall not exceed \$25,000.	
School food assistance (652-00-1000-0320).....	\$2,510,486
School safety hotline (652-00-1000-0230).....	\$10,000
KPERS – employer contributions – non-USDs (652-00-1000-0110).....	\$43,015,894
<i>Provided</i> , That any unencumbered balance in the KPERS – employer contributions – non-USDs account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: <i>Provided further</i> ; That all expenditures from the KPERS – employer contributions non-USDs account shall be for payment of participating employers' contributions to the Kansas public employees retirement system as provided in K.S.A. 74-4939, and amendments thereto: <i>And provided further</i> ; That expenditures from this account for the payment of participating employers' contributions to the Kansas public employees retirement system may be made regardless of when the liability was incurred.	
KPERS – employer contributions (652-00-1000-0100).....	\$543,865,035
<i>Provided</i> , That any unencumbered balance in the KPERS – employer contributions account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: <i>Provided further</i> ; That all expenditures from the KPERS – employer contributions account shall be for payment of participating employers' contributions to the Kansas public employees retirement system as provided in K.S.A. 74-4939, and amendments thereto: <i>And provided further</i> ; That expenditures from this account for the payment of participating employers' contributions to the Kansas public employees retirement system may be made regardless of when the liability was incurred.	

KPERS employer contribution layering payment #1 (652-00-1000-0120).....	\$6,400,000
KPERS employer contribution layering payment #2.....	\$19,400,000
Career and technical education transportation (652-00-1000-0190).....	\$650,000
Education super highway (652-00-1000-0180).....	\$950,000
<i>Provided</i> , That any unencumbered balance in the education super highway account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.	
Juvenile transitional crisis center pilot project (652-00-1000-0210).....	\$300,000
<i>Provided</i> , That expenditures from the juvenile transitional crisis center pilot project account shall be used by the above agency during fiscal year 2020 to develop a regional crisis center pilot project at the Beloit special education cooperative, founded on research and evidence-based practices designed to meet the unique social and emotional needs of students identified as at-risk or with disabilities: <i>Provided further</i> , That such project shall provide individualized programming to attain such student's high school diploma and job skills while working through the social skills program: <i>And provided further</i> , That the commissioner of education shall provide an update on the implementation of the pilot project developed by this proviso to the legislature on or before the first day of the 2020 regular legislative session.	
ACT and workkeys assessments program (652-00-1000-0140).....	\$2,800,000
<i>Provided</i> , That expenditures shall be made by the above agency from the ACT and workkeys assessments program account to provide the ACT college entrance exam and the three ACT workkeys assessments that are required to earn a national career readiness certificate to each student enrolled in grades nine through 12: <i>Provided further</i> , That no student enrolled in grades nine through 12 of any school district shall be required to pay any fees or costs to take such exam and assessments: <i>And provided further</i> , That in no event shall any school district be required to provide for more than one exam and three assessments per student: <i>And provided further</i> , That the state board of education may enter into any contracts that are necessary to promote statewide cost savings to administer such exams and assessments.	
Mental health intervention team pilot program (652-00-1000-0150).....	\$4,190,776
<i>Provided</i> , That expenditures shall be made by the above agency to implement the mental health intervention team pilot program so as to improve social-emotional wellness and outcomes for students by increasing schools' access to counselors, social workers and psychologists statewide: <i>Provided further</i> , That school districts participating in such program shall enter into the necessary memorandums of understanding and other necessary agreements with participating community mental	

health centers and the appropriate state agencies to implement the pilot program: *And provided further*; That mental health intervention teams shall consist of school liaisons employed by the participating school district, and clinical therapists and case managers employed by the participating community mental health center: *And provided further*; That the following shall participate in the pilot program for fiscal year 2020: (1) 23 schools in the Wichita school district (U.S.D. no. 259); (2) 28 schools in the Topeka school district (U.S.D. no. 501); (3) 10 schools in the Kansas City school district (U.S.D. no. 500); (4) 5 schools in the Parsons school district (U.S.D. no. 503); (5) 4 schools in the Garden City school district (U.S.D. no. 457); and (6) 9 schools served by the fiscal agent, Abilene school district (U.S.D. no. 435): *And provided further*; That on or before June 30, 2020, the director of the division of health care finance of the department of health and environment shall certify to the director of the budget and the director of the legislative research department the aggregate amount of expenditures for fiscal year 2020 for treatment and services for students provided under the mental health intervention team pilot program, or provided based on a referral from such program.

MHIT pilot program – online
 database (652-00-1000-0160).....\$500,000
 MHIT school liaisons (652-00-1000-0170).....\$3,263,110

Provided, That expenditures shall be made by the above agency for mental health intervention team school liaisons employed by those school districts participating in the mental health intervention team pilot program.

Educable deaf-blind and
 severely handicapped children's
 programs aid (652-00-1000-0630).....\$110,000

School district juvenile detention
 facilities and Flint Hills job corps
 center grants (652-00-1000-0290).....\$5,060,528

Provided, That any unencumbered balance in the school district juvenile detention facilities and Flint Hills job corps center grants account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*; That expenditures shall be made from the school district juvenile detention facilities and Flint Hills job corps center grants account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-1173, and amendments thereto.

Governor's teaching excellence scholarships
 and awards (652-00-1000-0770).....\$360,693

Provided, That any unencumbered balance in the governor's teaching excellence scholarships and awards account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*; That all expenditures from the governor's teaching excellence scholarships and awards account for teaching excellence scholarships shall be made in accordance with K.S.A. 72-2166, and amendments thereto: *And provided further*; That each such grant shall be required to be matched on a

\$1 for \$1 basis from nonstate sources: *And provided further*, That award of each such grant shall be conditioned upon the recipient entering into an agreement requiring the grant to be repaid if the recipient fails to complete the course of training under the national board for professional teaching standards certification program: *And provided further*, That all moneys received by the department of education for repayment of grants for governor's teaching excellence scholarships shall be deposited in the state treasury and credited to the governor's teaching excellence scholarships program repayment fund (652-00-7221-7200).

Governor's scholars program scholarships

and awards (652-00-1000-0770).....\$20,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law and transfers to other state agencies shall not exceed the following:

State school district

finance fund (652-00-7393-7000).....No limit

School district capital

improvements fund (652-00-2880-2880).....No limit

Provided, That expenditures from the school district capital improvements fund shall be made only for the payment of general obligation bonds approved by voters under the authority of K.S.A. 72-5457, and amendments thereto.

Mineral production

education fund (652-00-7669-7669).....No limit

School district capital outlay

state aid fund.....No limit

Conversion of materials and

equipment fund (652-00-2420-2020).....No limit

State safety fund (652-00-2538-2030).....No limit

Provided, That notwithstanding the provisions of K.S.A. 8-272, and amendments thereto, or any other statute, funds shall be distributed during fiscal year 2020 as soon as moneys are available.

School bus safety fund (652-00-2532-2300)..... No limit

Motorcycle safety fund (652-00-2633-2050).....No limit

Federal indirect cost

reimbursement fund (652-00-2312-2200).....No limit

Teacher and administrator

fee fund (652-00-2723-2060).....No limit

Food assistance –

federal fund (652-00-3230-3020).....No limit

Food assistance – school breakfast program – federal fund (652-00-3529-3490).....	No limit
Food assistance – national school lunch program – federal fund (652-00-3530-3500).....	No limit
Food assistance – child and adult care food program – federal fund (652-00-3531-3510).....	No limit
Community-based child abuse prevention – federal fund (652-00-3319-7400).....	No limit
Family and children investment fund (652-00-7375).....	No limit
Elementary and secondary school aid – federal fund (652-00-3233-3040).....	No limit
Educationally deprived children – state operations – federal fund (652-00-3131-3130).....	No limit
Elementary and secondary school – educationally deprived children – LEA's fund (652-00-3532-3520).....	No limit
Education of handicapped children fund – federal (652-00-3234-3050).....	No limit
Education of handicapped children fund – state operations – federal fund (652-00-3534-3540).....	No limit
Education of handicapped children fund – preschool – federal fund (652-00-3535-3550).....	No limit
Education of handicapped children fund – preschool state operations – federal (652-00-3536-3560).....	No limit
Elementary and secondary school aid – federal fund – migrant education fund (652-00-3537-3570).....	No limit
Elementary and secondary school aid – federal fund – migrant education – state operations (652-00-3538-3580).....	No limit
Vocational education title I – federal fund (652-00-3539-3590).....	No limit

Vocational education title I – federal fund – state operations (652-00-3540-3600).....	No limit
Educational research grants and projects fund (652-00-3592-3070).....	No limit
Inservice education workshop fee fund (652-00-2230-2010).....	No limit
<i>Provided</i> , That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences: <i>Provided further</i> , That the state board of education is hereby authorized to fix, charge and collect fees for inservice workshops and conferences: <i>And provided further</i> , That such fees shall be fixed in order to recover all or part of such operating expenditures incurred for inservice workshops and conferences: <i>And provided further</i> , That all fees received for inservice workshops and conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the inservice education workshop fee fund.	
Private donations, gifts, grants and bequests fund (652-00-7307-5000).....	No limit
Reimbursement for services fund (652-00-3056-3200).....	No limit
Communities in schools program fund (652-00-2221-2400).....	No limit
Governor's teaching excellence scholarships program repayment fund (652-00-7221-7200).....	No limit
<i>Provided</i> , That all expenditures from the governor's teaching excellence scholarships program repayment fund shall be made in accordance with K.S.A. 72-2166, and amendments thereto: <i>Provided further</i> , That each such grant shall be required to be matched on a \$1 for \$1 basis from nonstate sources: <i>And provided further</i> , That award of each such grant shall be conditioned upon the recipient entering into an agreement requiring the grant to be repaid if the recipient fails to complete the course of training under the national board for professional teaching standards certification program: <i>And provided further</i> , That all moneys received by the department of education for repayment of grants made under the governor's teaching excellence scholarships program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the governor's teaching excellence scholarships program repayment fund.	
State grants for improving teacher quality – federal fund (652-00-3526-3860).....	No limit
State grants for improving teacher quality – federal fund – state operations (652-00-3527-3870).....	No limit

21 st century community learning centers –	
federal fund (652-00-3519-3890).....	No limit
State assessments –	
federal fund (652-00-3520-3800).....	No limit
Rural and low-income schools program –	
federal fund (652-00-3521-3810).....	No limit
TANF children's programs –	
federal fund (652-00-3323-0531).....	No limit
ESSA – student support academic enrichment –	
federal fund (652-00-3113-3113).....	No limit
Language assistance state grants –	
federal fund (652-00-3522-3820).....	No limit
Service clearing fund (652-00-2869-2800).....	No limit
Local school district contribution program	
checkoff fund (652-00-7005-7005).....	No limit
Educational technology	
coordinator fund (652-00-2157-2157).....	No limit

Provided, That expenditures shall be made by the above agency for the fiscal year ending June 30, 2020, from the educational technology coordinator fund of the department of education to provide data on the number of school districts served and cost savings for those districts in fiscal year 2020 in order to assess the cost effectiveness of the position of educational technology coordinator.

(c) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2020, the following:

Parent education program (652-00-2000-2510).....	\$8,237,635
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Provided, That any unencumbered balance in the parent education program account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures from the parent education program account for each such grant shall be matched by the school district in an amount that is equal to not less than 50% of the grant.

Children's cabinet	
accountability fund (652-00-2000-2402).....	\$375,000

Provided, That any unencumbered balance in the children's cabinet accountability fund account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

CIF grants (652-00-2000-2408).....	\$18,127,914
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Provided, That any unencumbered balance in the CIF grants account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Quality initiative infants	
and toddlers (652-00-2000-2420).....	\$500,000

Provided, That any unencumbered balance in the quality initiative infants and toddlers account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Early childhood block grant
autism diagnosis (652-00-2000-2422).....\$50,000
Provided, That any unencumbered balance in the early childhood block grant autism diagnosis account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Communities aligned in early development
and education (652-00-2000-2550).....\$1,000,000
Pre-K pilot (652-00-2000-2435).....\$4,200,000

(d) On July 1, 2019, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 8-1,148 or 38-1808, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$50,000 from the family and children trust account of the family and children investment fund (652-00-7375-7900) of the department of education to the communities in schools program fund (652-00-2221-2400) of the department of education.

(e) On March 30, 2020, and June 30, 2020, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 8-267 or 8-272, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$550,000 from the state safety fund (652-00-2538-2030) to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the state safety fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the state safety fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services that are performed on behalf of the department of education by other state agencies that receive appropriations from the state general fund to provide such services.

(f) On July 1, 2019, and quarterly thereafter, the director of accounts and reports shall transfer \$72,500 from the state highway fund of the department of transportation to the school bus safety fund (652-00-2532-2300) of the department of education.

(g) On July 1, 2019, the director of accounts and reports shall transfer an amount certified by the commissioner of education from the motorcycle safety fund (652-00-2633-2050) of the department of education to the motorcycle safety fund (561-00-2366-2360) of the state board of regents: *Provided*, That the amount to be transferred shall be determined by the commissioner of education based on the amounts required to be paid pursuant to K.S.A. 8-272(b)(2), and amendments thereto.

(h) There is appropriated for the above agency from the expanded lottery act revenues fund for the fiscal year ending June 30, 2020, the following:
KPERS – school employer

contribution (652-00-1700-1700).....\$41,632,883

(i) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$97,250 from the USAC E-rate program federal fund (561-00-3920-3920) of the state board of regents to the education technology coordinator fund (652-00-2157-2157) of the department of education: *Provided*, That the department of education shall provide information and data regarding the number of school districts served and cost savings attained by such school districts in order to assess the cost effectiveness of having this education technology coordinator position: *Provided further*, That such information and data shall be available by the department of education by the end of the fiscal year 2020.

(j) There is appropriated for the above agency from the Kansas endowment for youth fund for the fiscal year ending June 30, 2020, the following:

Children's cabinet administration (652-00-7000-7001).....\$256,234

Provided, That any unencumbered balance in the children's cabinet administration account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(k) During the fiscal year ending June 30, 2020, the commissioner of education, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2020 from the state general fund for the department of education to another item of appropriation for fiscal year 2020 from the state general fund for the department of education. The commissioner of education shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

Sec. 2.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2021, the following:

State foundation aid (652-00-1000-0820).....\$2,485,241,292

Provided, That any unencumbered balance in the state foundation aid account in excess of \$100 as of June 30, 2020, is hereby reappropriated for fiscal year 2021.

Supplemental state aid (652-00-1000-0840).....\$519,300,000

Provided, That any unencumbered balance in the supplemental state aid account in excess of \$100 as of June 30, 2020, is hereby reappropriated for fiscal year 2021.

KPERS – employer

contributions – non-USDs (652-00-1000-0100).....\$46,620,938

Provided, That any unencumbered balance in the KPERS – employer contributions – non-USDs account in excess of \$100 as of June 30, 2020, is hereby reappropriated for fiscal year 2021: *Provided further*; That all expenditures from the KPERS – employer contributions non-USDs account shall be for payment of participating employers' contributions to the Kansas public employees retirement system as provided in K.S.A. 74-4939, and amendments thereto: *And provided further*; That expenditures from this account for the payment of participating employers' contributions to the Kansas public employees retirement system may be made regardless of when the liability was incurred.

KPERS – employer

contributions – USDs (652-00-1000-0110).....\$567,075,949

Provided, That any unencumbered balance in the KPERS – employer contributions account in excess of \$100 as of June 30, 2020, is hereby reappropriated for fiscal year 2021: *Provided further*; That all expenditures from the KPERS – employer contributions account shall be for payment of participating employers' contributions to the Kansas public employees retirement system as provided in K.S.A. 74-4939, and amendments thereto: *And provided further*; That expenditures from this account for the payment of participating employers' contributions to the Kansas public employees retirement system may be made regardless of when the liability was incurred.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2021, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Mineral production
 education fund (652-00-7669-7669).....No limit
 State school district
 finance fund (652-00-7393-7000).....No limit

(c) There is appropriated for the above agency from the expanded lottery act revenues fund for the fiscal year ending June 30, 2021, the following:

KPERS – school employer
 contribution (652-00-1700-1700).....\$41,640,023

Sec. 3. K.S.A. 72-5132 is hereby amended to read as follows: 72-5132. As used in the Kansas school equity and enhancement act, K.S.A. 72-5131 et seq., and amendments thereto:

(a) "Adjusted enrollment" means the enrollment of a school district adjusted by adding the following weightings, if any, to the enrollment of a school district: At-risk student weighting; bilingual weighting; career technical education weighting; high-density at-risk student weighting; high enrollment weighting; low enrollment weighting; school facilities weighting; ancillary school facilities weighting; cost-of-living weighting; special education and related services weighting; and transportation weighting.

(b) "Ancillary school facilities weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5158, and amendments thereto, on the basis of costs attributable to commencing operation of one or more new school facilities by such school districts.

(c) (1) "At-risk student" means a student who is eligible for free meals under the national school lunch act, and who is enrolled in a school district that maintains an approved at-risk student assistance program.

(2) The term "at-risk student" shall not include any student enrolled in any of the grades one through 12 who is in attendance less than full time, or any student who is over 19 years of age. The provisions of this paragraph shall not apply to any student who has an individualized education program.

(d) "At-risk student weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5151(a), and amendments thereto, on the basis of costs attributable to the maintenance of at-risk educational programs by such school districts.

(e) "Base aid for student excellence" or "BASE aid" means an amount appropriated by the legislature in a fiscal year for the designated year. The amount of BASE aid shall be as follows:

- (1) For school year 2018-2019, \$4,165;
- (2) for school year 2019-2020, ~~\$4,302~~ \$4,436;
- (3) for school year 2020-2021, ~~\$4,439~~ \$4,697;
- (4) for school year 2021-2022, ~~\$4,576~~ \$4,958;

(5) for school year 2022-2023, ~~\$4,713~~ \$5,219; and
(6) for school year 2023-2024, and each school year thereafter, the BASE aid shall be the BASE aid amount for the immediately preceding school year plus an amount equal to the average percentage increase in the consumer price index for all urban consumers in the midwest region as published by the bureau of labor statistics of the United States department of labor during the three immediately preceding school years rounded to the nearest whole dollar amount.

(f) "Bilingual weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5150, and amendments thereto, on the basis of costs attributable to the maintenance of bilingual educational programs by such school districts.

(g) "Board" means the board of education of a school district.

(h) "Budget per student" means the general fund budget of a school district divided by the enrollment of the school district.

(i) "Categorical fund" means and includes the following funds of a school district: Adult education fund; adult supplementary education fund; at-risk education fund; bilingual education fund; career and postsecondary education fund; driver training fund; educational excellence grant program fund; extraordinary school program fund; food service fund; parent education program fund; preschool-aged at-risk education fund; professional development fund; special education fund; and summer program fund.

(j) "Cost-of-living weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5159, and amendments thereto, on the basis of costs attributable to the cost of living in such school districts.

(k) "Current school year" means the school year during which state foundation aid is determined by the state board under K.S.A. 72-5134, and amendments thereto.

(l) "Enrollment" means:

(1) The number of students regularly enrolled in kindergarten and grades one through 12 in the school district on September 20 of the preceding school year plus the number of preschool-aged at-risk students regularly enrolled in the school district on September 20 of the current school year, except a student who is a foreign exchange student shall not be counted unless such student is regularly enrolled in the school district on September 20 and attending kindergarten or any of the grades one through 12 maintained by the school district for at least one semester or two quarters, or the equivalent thereof.

(2) If the enrollment in a school district in the preceding school year has decreased from enrollment in the second preceding school year, the enrollment of the school district in the current school year means the sum of:

(A) The enrollment in the second preceding school year, excluding students under paragraph (2)(B), minus enrollment in the preceding school year of preschool-aged at-risk students, if any, plus enrollment in the current school year of preschool-aged at-risk students, if any; and

(B) the adjusted enrollment in the second preceding school year of any students participating in the tax credit for low income students scholarship program pursuant to K.S.A. 72-4351 et seq., and amendments thereto, in the preceding school year, if any, plus the adjusted enrollment in the preceding school year of preschool-aged at-risk students who are participating in the tax credit for low income students scholarship program pursuant to K.S.A. 72-4351 et seq., and amendments thereto, in the current school year, if any.

(3) For any school district that has a military student, as that term is defined in K.S.A. 72-5139, and amendments thereto, enrolled in such district, and that received federal impact aid for the preceding school year, if the enrollment in such school district in the preceding school year has decreased from enrollment in the second preceding school year, the enrollment of the school district in the current school year means whichever is the greater of:

(A) The enrollment determined under paragraph (2); or

(B) the sum of the enrollment in the preceding school year of preschool-aged at-risk students, if any, and the arithmetic mean of the sum of:

(i) The enrollment of the school district in the preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any;

(ii) the enrollment in the second preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any; and

(iii) the enrollment in the third preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any.

(4) The enrollment determined under paragraph (1), (2) or (3), except if the school district begins to offer kindergarten on a full-time basis in such school year, students regularly enrolled in kindergarten in the school district in the preceding school year shall be counted as one student regardless of actual attendance during such preceding school year.

(m) "February 20" has its usual meaning, except that in any year in which February 20 is not a day on which school is maintained, it means the first day after February 20 on which school is maintained.

(n) "Federal impact aid" means an amount equal to the federally qualified percentage of the amount of moneys a school district receives in the current school year under the provisions of title I of public law 874 and congressional appropriations therefor, excluding amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program. The amount of federal impact aid shall be determined by the state board in accordance with terms and conditions imposed under the provisions of the public law and rules and regulations thereunder.

(o) "General fund" means the fund of a school district from which operating expenses are paid and in which is deposited all amounts of state foundation aid provided under this act, payments under K.S.A. 72-528, and amendments thereto, payments of federal funds made available under the provisions of title I of public law 874, except amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program and such other moneys as are provided by law.

(p) "General fund budget" means the amount budgeted for operating expenses in the general fund of a school district.

(q) "High-density at-risk student weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5151(b), and amendments thereto, on the basis of costs attributable to the maintenance of at-risk educational programs by such school districts.

(r) "High enrollment weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5149(b), and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such school districts.

(s) "Juvenile detention facility" means the same as such term is defined in K.S.A. 72-1173, and amendments thereto.

(t) "Local foundation aid" means the sum of the following amounts:

(1) An amount equal to any unexpended and unencumbered balance remaining in the general fund of the school district, except moneys received by the school district and authorized to be expended for the purposes specified in K.S.A. 72-5168, and amendments thereto;

(2) an amount equal to any remaining proceeds from taxes levied under authority of K.S.A. 72-7056 and 72-7072, and amendments thereto, prior to their repeal;

(3) an amount equal to the amount deposited in the general fund in the current school year from moneys received in such school year by the school district under the provisions of K.S.A. 72-3123(a), and amendments thereto;

(4) an amount equal to the amount deposited in the general fund in the current school year from moneys received in such school year by the school district pursuant to contracts made and entered into under authority of K.S.A. 72-3125, and amendments thereto;

(5) an amount equal to the amount credited to the general fund in the current school year from moneys distributed in such school year to the school district under the provisions of articles 17 and 34 of chapter 12 of the Kansas Statutes Annotated, and amendments thereto, and under the provisions of articles 42 and 51 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto;

(6) an amount equal to the amount of payments received by the school district under the provisions of K.S.A. 72-3423, and amendments thereto;

(7) an amount equal to the amount of any grant received by the school district under the provisions of K.S.A. 72-3425, and amendments thereto; and

(8) an amount equal to 70% of the federal impact aid of the school district.

(u) "Low enrollment weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5149(a), and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such school districts.

(v) "Operating expenses" means the total expenditures and lawful transfers from the general fund of a school district during a school year for all purposes, except expenditures for the purposes specified in K.S.A. 72-5168, and amendments thereto.

(w) "Preceding school year" means the school year immediately before the current school year.

(x) "Preschool-aged at-risk student" means an at-risk student who has attained the age of three years, is under the age of eligibility for attendance at kindergarten, and has been selected by the state board in accordance with guidelines governing the selection of students for participation in head start programs.

(y) "Preschool-aged exceptional children" means exceptional children, except gifted children, who have attained the age of three years but are under the age of eligibility for attendance at kindergarten. The terms "exceptional children" and "gifted children" have the same meaning as those terms are defined in K.S.A. 72-3404, and amendments thereto.

(z) "Psychiatric residential treatment facility" means the same as such term is defined in K.S.A. 72-1173, and amendments thereto.

(aa) "School district" means a school district organized under the laws of this state that is maintaining public school for a school term in accordance with the provisions of K.S.A. 72-3115, and amendments thereto.

(bb) "School facilities weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5156, and amendments thereto, on the basis of costs attributable to commencing operation of one or more new school facilities by such school districts.

(cc) "School year" means the 12-month period ending June 30.

(dd) "September 20" has its usual meaning, except that in any year in which September 20 is not a day on which school is maintained, it means the first day after September 20 on which school is maintained.

(ee) "Special education and related services weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5157, and amendments thereto, on the basis of costs attributable to the maintenance of special education and related services by such school districts.

(ff) "State board" means the state board of education.

(gg) "State foundation aid" means the amount of aid distributed to a school district as determined by the state board pursuant to K.S.A. 72-5134, and amendments thereto.

(hh) (1) "Student" means any person who is regularly enrolled in a school district and attending kindergarten or any of the grades one through 12 maintained by the school district or who is regularly enrolled in a school district and attending kindergarten or any of the grades one through 12 in another school district in accordance with an agreement entered into under authority of K.S.A. 72-13,101, and amendments thereto, or who is regularly enrolled in a school district and attending special education services provided for preschool-aged exceptional children by the school district.

(2) (A) Except as otherwise provided in this subsection, the following shall be counted as one student:

(i) A student in attendance full-time; and

(ii) a student enrolled in a school district and attending special education and related services, provided for by the school district.

(B) The following shall be counted as $\frac{1}{2}$ student:

(i) A student enrolled in a school district and attending special education and related services for preschool-aged exceptional children provided for by the school

district; and

(ii) a preschool-aged at-risk student enrolled in a school district and receiving services under an approved at-risk student assistance plan maintained by the school district.

(C) A student in attendance part-time shall be counted as that proportion of one student (to the nearest $\frac{1}{10}$) that the student's attendance bears to full-time attendance.

(D) A student enrolled in and attending an institution of postsecondary education that is authorized under the laws of this state to award academic degrees shall be counted as one student if the student's postsecondary education enrollment and attendance together with the student's attendance in either of the grades 11 or 12 is at least $\frac{5}{6}$ time, otherwise the student shall be counted as that proportion of one student (to the nearest $\frac{1}{10}$) that the total time of the student's postsecondary education attendance and attendance in grades 11 or 12, as applicable, bears to full-time attendance.

(E) A student enrolled in and attending a technical college, a career technical education program of a community college or other approved career technical education program shall be counted as one student, if the student's career technical education attendance together with the student's attendance in any of grades nine through 12 is at least $\frac{5}{6}$ time, otherwise the student shall be counted as that proportion of one student (to the nearest $\frac{1}{10}$) that the total time of the student's career technical education attendance and attendance in any of grades nine through 12 bears to full-time attendance.

(F) A student enrolled in a school district and attending a non-virtual school and also attending a virtual school shall be counted as that proportion of one student (to the nearest $\frac{1}{10}$) that the student's attendance at the non-virtual school bears to full-time attendance.

(G) A student enrolled in a school district and attending special education and related services provided for by the school district and also attending a virtual school shall be counted as that proportion of one student (to the nearest $\frac{1}{10}$) that the student's attendance at the non-virtual school bears to full-time attendance.

(H) (i) Except as provided in clause (ii), a student enrolled in a school district who is not a resident of Kansas shall be counted as follows:

- (a) For school year 2018-2019, one student;
- (b) for school years 2019-2020 and 2020-2021, $\frac{3}{4}$ of a student; and
- (c) for school year 2021-2022 and each school year thereafter, $\frac{1}{2}$ of a student.

(ii) This subparagraph (H) shall not apply to:

(a) A student whose parent or legal guardian is an employee of the school district where such student is enrolled; or

(b) a student who attended public school in Kansas during school year 2016-2017 and who attended public school in Kansas during the immediately preceding school year.

(3) The following shall not be counted as a student:

(A) An individual residing at the Flint Hills job corps center;

(B) except as provided in paragraph (2), an individual confined in and receiving educational services provided for by a school district at a juvenile detention facility; and

(C) an individual enrolled in a school district but housed, maintained and receiving educational services at a state institution or a psychiatric residential treatment facility.

(4) A student enrolled in virtual school pursuant to K.S.A. 72-3711 et seq., and amendments thereto, shall be counted in accordance with the provisions of K.S.A. 72-

3715, and amendments thereto.

(ii) "Total foundation aid" means an amount equal to the product obtained by multiplying the BASE aid by the adjusted enrollment of a school district.

(jj) "Transportation weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5148, and amendments thereto, on the basis of costs attributable to the provision or furnishing of transportation.

(kk) "Virtual school" means the same as such term is defined in K.S.A. 72-3712, and amendments thereto.;

On page 4, in line 2, after "K.S.A." by inserting "72-5132,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "to" by inserting "the instruction and financing thereof; making and concerning appropriations for the fiscal years ending June 30, 2020, and June 30, 2021, for the department of education;"; in line 2, by striking all after the semicolon; in line 3, by striking "fund;"; also in line 3, after "K.S.A." by inserting "72-5132,"

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

On roll call, the vote was: Yeas 12; Nays 28; Present and Passing 0; Absent or Not Voting 0.

Yeas: Bollier, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Miller, Pettey, Sykes, Ware.

Nays: Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Denning, Estes, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

The amendment was rejected.

EXPLANATION OF VOTE

Mr. Chairman: The strength of the legislative process is the thorough vetting of legislation producing a product that has the best interests of Kansas and its citizens at the forefront. Legislation that is as significant as school finance, which comprises over 50 percent of the State Budget, deserves that consideration. School finance is too important to be submitted as an amendment offered on the floor of the Senate. It is my expectation that a school finance bill that has gone through the rigor of the committee process will be introduced for this body to debate by March 15. I vote "NO."—ED BERGER

Senators Billinger, Goddard, Hardy, Skubal and Taylor request the record to show they concur with the "Explanation of Vote" offered by Senator Berger on **SB 16**.

SB 68 be amended by the adoption of the committee amendments, be further amended by motion of Senator Petersen; on page 10, in line 6, by striking the second comma; by striking all in line 7; in line 9, by striking ", consistent with federal and state law,"; in line 11, by striking "through" and inserting "by requiring a small cell facility deployment agreement or"; also in line 11, after the comma by inserting "through"; in line 12, by striking "and" and inserting "or"; in line 13, after "thereof" by inserting ", in a manner consistent with federal and state law"; in line 31, by striking the comma and inserting ":

(A)"

Also on page 10, also in line 31, after "terms" by inserting ""authority,""; in line 32, after "facility,"" by inserting ""utility pole,""; in line 34, by striking the period and inserting "; and

(B) "small cell facility deployment agreement" means an agreement between a wireless services provider or wireless infrastructure provider and an authority for the deployment of small cell facilities on or adjacent to existing, modified, replacement or new utility poles within the public right-of-way pursuant to K.S.A. 66-2019, and amendments thereto, and federal law. A "small cell facility deployment agreement" is not a franchise, franchise agreement, franchise ordinance, contract franchise or contract franchise ordinance." and **SB 68** be passed as further amended.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2215**, **HB 2365**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2215, **HB 2365** were thereupon introduced and read by title.

CHANGE OF REFERENCE

Under the authority of the President, the Vice President withdrew **SB 168** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Commerce**.

Under the authority of the President, the Vice President withdrew **SB 157** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Judiciary**.

Under the authority of the President, the Vice President withdrew **SB 122** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Public Health and Welfare**.

REPORT ON ENROLLED BILLS

SB 9 reported correctly enrolled, properly signed and presented to the Governor on February 26, 2019.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Wednesday, February 27, 2019.

Journal of the Senate

THIRTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 27, 2019, 10:00 a.m.

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

Heavenly Father, God of all Heaven and Earth, knowing You as our God and knowing that You love us is so encouraging, especially in view of everything that confronts us. Many of the issues that challenge us are difficult to resolve and given that we have limited abilities it's just a blessing to know You have our back. Our ability to solve problems is naturally restricted to our human limitations, but Your approach to them is supernatural.

We have blurred vision and can only see so much. But, in Proverbs 15:3, nothing gets past You. There's no limit to Your presence. You are everywhere watching everything we face whether good or bad. We have hazy, distorted knowledge and what we do know is limited. But, in Hebrews 4:13, nothing is ever hidden or covered up from You. Everything is naked before You and held accountable.

Lord, our human limitations are ever before us. Even when You let us clearly see what we're facing and enable us to understand the issues, we find ourselves limited or even powerless. But we find, in Revelation 19:6, that You are Almighty, all Powerful and fully Sovereign. You are King of kings and Lord of lords! Therefore, Master, even when we don't have the answers we know that you do.

So, Lord, sovereignly guide us and help us to trust You for the results. I offer this prayer in the precious Name of Jesus. So be it and Amen!

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill and concurrent resolution were introduced and read by title:

SB 219, AN ACT concerning consumer protection; relating to the scrap metal theft reduction act; assessing an excise tax on scrap metal; creating the scrap metal data repository fund; registration fees; database amending K.S.A. 2018 Supp. 50-6,109a and 50-6,112a and repealing the existing sections, by Committee on Ways and Means.

The following concurrent resolution was introduced and read by title:

SENATE CONCURRENT RESOLUTION No. 1607—

By Senators Wagle, Denning and Hensley

A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for a period of time during the 2019 regular session of the legislature.

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the legislature shall adjourn at the close of business of the daily session convened on February 28, 2019, and shall reconvene on March 6, 2019, pursuant to adjournment of the daily session convened on February 28, 2019; and

Be it further resolved: That the chief clerk of the house of representatives and the secretary of the senate and employees specified by the director of legislative administrative services for such purpose shall attend to their duties each day during periods of adjournment, Sundays excepted, for the purpose of receiving messages from the governor and conducting such other business as may be required; and

Be it further resolved: That members of the legislature shall not receive the per diem compensation and subsistence allowances provided for in K.S.A. 46-137a(a) and (b), and amendments thereto, for any day within a period in which both houses of the legislature are adjourned for more than two days, Sundays excepted; and

Be it further resolved: That members of the legislature attending a legislative meeting of whatever nature when authorized pursuant to law, or by the legislative coordinating council, the president of the senate or the speaker of the house of representatives, and members of a conference committee attending a meeting of the conference committee authorized by the president of the senate and the speaker of the house of representatives during any period of adjournment for which members are not authorized compensation and allowances pursuant to K.S.A. 46-137a, and amendments thereto, shall receive compensation, subsistence allowances, mileage and other expenses in amounts prescribed under K.S.A. 75-3212, and amendments thereto.

On emergency motion of Senator Denning **SCR 1607** was adopted by voice vote.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **HB 2215**.

Federal and State Affairs: **SB 218**.

Judiciary: **HB 2365**.

FINAL ACTION ON CONSENT CALENDAR

SB 53, SB 71, SB 105; HB 2044 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 53, AN ACT concerning state emblems; designating the chambourcin as the state red wine grape; designating the vigoles as the state white wine grape.

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

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

The bill passed.

SB 71, AN ACT concerning postsecondary education; relating to the state board of regents; eliminating the expiration of the postsecondary technical education authority; requiring an annual report; amending K.S.A. 74-32,402 and repealing the existing section; also repealing K.S.A. 74-32,404.

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

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

The bill passed.

SB 105, AN ACT concerning cities; relating to elections; amending K.S.A. 25-313 and K.S.A. 2018 Supp. 25-2120 and repealing the existing sections.

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

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

The bill passed.

HB 2044, AN ACT concerning income taxation; relating to credits; certain purchases of goods and services from qualified vendors that provide employment to individuals who are blind or severely disabled; qualifications, procedures and limitations.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wilborn.

Nays: Ware.

Present and Passing: Francisco, Wagle.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 15, AN ACT concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; definition of service-connected; amending K.S.A. 74-4952 and repealing the existing section, was considered on final action.

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

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

The bill passed, as amended.

SB 16, AN ACT concerning education; relating to the Kansas school equity and enhancement act; authorizing expenditures from the at-risk education fund; amending K.S.A. 72-5153 and 72-5193 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn.

Nays: Hilderbrand.

The bill passed, as amended.

SB 60, AN ACT concerning real estate; relating to licensing of brokers and salespersons; application, temporary licenses, education requirements, deactivation and reinstatement of licenses, broker's primary office, fees, effect on other licenses of suspension or revocation of certain licenses; Kansas real estate commission; organization, seal; amending K.S.A. 74-4202 and K.S.A. 2018 Supp. 58-3039, 58-3040, 58-3045, 58-3046a, 58-3047, 58-3060, 58-3063, 58-3080 and 58-3081 and repealing the existing sections; also repealing K.S.A. 58-3049, was considered on final action.

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

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

The bill passed.

Sub SB 62, AN ACT regulating traffic; concerning authorized emergency vehicles; relating to police vehicles; exempting police vehicle drivers engaged in certain actions from audible or visual requirements; allowed actions by driver, was considered on final action.

On roll call, the vote was: Yeas 34; Nays 4; Present and Passing 2; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Givens, Goddard, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Nays: Bollier, Haley, Pettey, Ware.

Present and Passing: Francisco, Sykes.

The substitute bill passed.

EXPLANATION OF VOTE

Madam President: Kansas law enforcement works every day to enforce the laws of Kansas for the safety of all. Audible or visual signals help Kansans know that law enforcement is at work. The changes in **Sub SB 62** foster confusion for citizens and

could create more problems than answers for the law enforcement community. I vote "NO."—PAT PETTEY

Senators Bollier and Haley request the record to show they concur with the "Explanation of Vote" offered by Senator Pettey on **Sub SB 62**.

Madam President: I vote "NO" on **Sub SB 62**. This bill will allow waivers for law enforcement to have to signal, or light or sound themselves while on duty, is a solution in search of a problem. There is no necessity for it. In other words, we don't need it. Does a police officer write a ticket to another police officer for speeding, or failing to signal, or "U"-turn, or not using a siren or flashing light during a lawful surveillance and/or pursuit or any other example of recognized on-duty work? Are there any documented examples of a prosecutor pursuing such charge(s) or certainly judgment(s) against such law enforcement officer? Madame President, really. What are we doing here? And, since this bill really is not fully vetted nor seemingly necessary, now my concern, purely on behalf of public safety becomes: if any officer (due to NOT giving appropriate awareness of their on-duty-and-official-pursuit-status though even in the course of recognized duty) SHOULD contribute to a loss of life or limb of any innocent third party, does this bill provide a shield or immunity from contributory causation? Recognizing Senate Judiciary has been remiss this Session in even working unified consensus bills in committee, respectfully, this bill should not have come out of the Transportation Committee. I hope it will not confuse a need of greater public safety from chase-related accidents by an attempt to affirm all of our genuine respect for the appreciated service of diligent and attentive and safely-progressing on-duty law enforcement.—DAVID HALEY

SB 63, AN ACT concerning transportation network company vehicles; relating to authorized lights, city ordinances; amending K.S.A. 2018 Supp. 8-1729 and repealing the existing section, was considered on final action.

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

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

The bill passed.

SB 67, AN ACT concerning life insurance; establishing the unclaimed life insurance benefits act, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn.

Present and Passing: Hilderbrand.

The bill passed.

SB 68, AN ACT concerning cities; relating to a valid contract franchise ordinance and wireless service providers; prohibitions; amending K.S.A. 2018 Supp. 12-2001 and repealing the existing section, was considered on final action.

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

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

The bill passed, as amended.

SB 78, AN ACT concerning consumer protection; relating to assignment of rights or benefits to a residential contractor under a property and casualty insurance policy insuring residential real estate, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Wagle, Ware, Wilborn.

Nays: Tyson.

Present and Passing: Hilderbrand.

The bill passed, as amended.

SB 82, AN ACT concerning financial institutions; relating to the state banking code; form of delivery of certain notices; certificates of existence; conversion to state banks; amending K.S.A. 2018 Supp. 9-550, 9-808, 9-908 and 9-1506 and repealing the existing sections, was considered on final action.

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

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

The bill passed.

SB 90, AN ACT concerning economic development; relating to the center for entrepreneurship act; extending the tax credit for contributions to financial institutions and increasing the annual credit available for all contributors; amending K.S.A. 74-99c09 and repealing the existing section, was considered on final action.

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

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

The bill passed.

SB 94, AN ACT concerning motor vehicle insurance; relating to reductions in premiums; approved motor vehicle accident prevention courses; pertaining to course duration and approving entities; amending K.S.A. 40-1112a and repealing the existing section, was considered on final action.

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

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

The bill passed, as amended.

SB 97, AN ACT concerning motor vehicles; relating to fleet rental vehicles; registrations; creating the fleet rental vehicle administration fund; amending K.S.A. 2018 Supp. 8-145 and repealing the existing section, was considered on final action.

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

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

The bill passed, as amended.

SB 128, AN ACT concerning schools; relating to safety drills; requiring a certain number of fire, tornado and crisis drills; rules and regulations of the state fire marshal; amending K.S.A. 2018 Supp. 31-133 and repealing the existing section, was considered on final action.

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

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

The bill passed, as amended.

HB 2001, AN ACT concerning agriculture; relating to environmental remediation; extending the sunset date for the remediation linked deposit loan program, the remediation reimbursement program and the Kansas agricultural remediation fund; amending annual assessment rates; amending K.S.A. 2-3712 and K.S.A. 2018 Supp. 2-3713 and 2-3714 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson,

Wagle, Ware, Wilborn.
The bill passed.

COMMITTEE OF THE WHOLE

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

SB 27, SB 49, SB 199 be passed.

SB 61, SB 77, SB 134, SB 193 be amended by the adoption of the committee amendments, and the bills be passed as amended.

SB 162 be amended by the adoption of the committee amendments, be further by motion of Senator Suellentrop; on page 1, in line 31, after "report" by inserting ":

(A)";

Also on page 1, also in line 31, by striking the comma and inserting ";

(B)";

Also on page 1, in line 32, by striking the comma and inserting ";

(C)";

Also on page 1, in line 33, after "reason" by inserting a semicolon; in line 34, before "any" by inserting:

"(D)"; and **SB 162** be passed as further amended.

HB 2035 be amended by the adoption of the committee amendments, be further amended by motion of Senator Givens; on page 3, in line 5, after "liquor" by inserting a comma; following line 27, by inserting:

"(c) As used in this section, the term "retailer" means the same as such term is defined in K.S.A. 41-102, and amendments thereto."; and **HB 2035** be passed as further amended.

The committee report on **SB 130** recommending **Sub SB 130** be adopted; and the substitute bill be passed.

The committee rose and reported progress (See Committee of the Whole afternoon session.)

On motion of Senator Denning, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with Vice President Longbine in the chair.

COMMITTEE OF THE WHOLE

The Senate returned to the Committee of the Whole, for consideration of bills under the heading of General Orders with Senator Hilderbrand in the chair.

On motion of Senator Hilderbrand the report for the morning and afternoon sessions were adopted.

SB 59 be passed

SB 7 be amended by the adoption of the committee amendments, and the bill be passed as amended.

SB 131 be amended by the adoption of the committee amendments, be further by motion of Senator Bowers; on page 1, in line 19, by striking all after "years"; by

striking all in line 20; in line 21, by striking all before the period; in line 36, after "on" by inserting "or before"; and **SB 131** be passed as further amended.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **SB 7, SB 27, SB 49, SB 59, SB 61, SB 77, SB 130, SB 131, SB 134, SB 162, SB 193, SB 199; HB 2035** were advanced to Final Action and roll call.

SB 7, AN ACT concerning school boards; relating to timing of elections of officers and certain other matters; amending K.S.A. 72-1073, 72-1088, 72-1133 and 72-1138 and repealing the existing sections.

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

Yeas: Alley, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn.

Nays: Baumgardner, Hilderbrand.

Present and Passing: Suellentrop.

The bill passed as mended.

SB 27, AN ACT concerning employment security law; relating to lessor employment units and lessee clients; restrictions on leasing certain employees; amending K.S.A. 44-758 and repealing the existing section.

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

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

The bill passed.

SB 49, AN ACT concerning wildlife, parks and tourism; relating to cabins and camp sites; fees; amending K.S.A. 2018 Supp. 32-999 and repealing the existing section.

On roll call, the vote was: Yeas 29; Nays 11; Present and Passing 0; Absent or Not Voting 0.

Yeas: Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kerschen, Longbine, McGinn, Miller, Olson, Pettey, Skubal, Sykes, Taylor, Wagle, Ware, Wilborn.

Nays: Alley, Baumgardner, Hilderbrand, Lynn, Masterson, Petersen, Pilcher-Cook, Pyle, Rucker, Suellentrop, Tyson.

The bill passed.

EXPLANATION OF VOTE

Mr. Vice President: I do not believe that any state agency should be in direct competition with private business. By removing the fee cap, and giving them the ability to raise and lower their fees without any oversight, we are giving this agency an unfair advantage over our private businesses. We also heard concerns over whether or not the

state had to follow the same safety requirements as our private business's, without being given a definitive answer. For these reasons I vote "NO" on **SB 49**.—RICHARD HILDERBRAND

Mr. Vice President: I vote "NO" on **SB 49**. I support the concept of giving flexibility on the pricing of cabins. However, this bill removes the cap when they already have the authority to more than double the highest price cabins, and almost triple others under the current cap. Our state needs to encourage our own citizens to get outside and enjoy the outdoors and encourage tourists to visit our parks.—MIKE PETERSEN

Senators Hilderbrand, Lynn and Suellentrop request the record to show they concur with the "Explanation of Vote" offered by Senator Petersen on **SB 49**.

SB 59, AN ACT creating the Eudora community library district act.

On roll call, the vote was: Yeas 27; Nays 12; Present and Passing 1; Absent or Not Voting 0.

Yeas: Berger, Billinger, Bollier, Bowers, Braun, Doll, Estes, Faust-Goudeau, Francisco, Givens, Haley, Hardy, Hawk, Hensley, Holland, Kerschen, Longbine, Lynn, McGinn, Miller, Olson, Pettey, Pyle, Skubal, Sykes, Taylor, Ware.

Nays: Baumgardner, Denning, Goddard, Hilderbrand, Masterson, Petersen, Pilcher-Cook, Rucker, Suellentrop, Tyson, Wagle, Wilborn.

Present and Passing: Alley.

The bill passed.

SB 61, AN ACT concerning health and healthcare; relating to the practice of podiatry; qualifications; amending K.S.A. 65-2002 and repealing the existing section.

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

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

The bill passed, as amended.

SB 77, AN ACT concerning children and minors; relating to children with sexual behavior problems; Kansas department for children and families; voluntary services.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 2; Absent or Not Voting 0.

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

Present and Passing: Haley, Ware.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: I vote "PRESENT BUT PASSING" on **SB 77** regarding a child under 18 years exhibiting a sexual behavior problem who allegedly commits sexual

abuse against another person under 18. Under this bill, now our Department of Children & Family (DCF) must respond and, if proven, referred to the child-in-need-of-care (CINC) code and referred to a child advocacy center. I agree that we need greater scrutiny and response to the growing number of our youths acting aggressively and sexually abusive. My only hesitancy is the fiscal note, or costs through DCF, to increase the government's role in ferreting out, then offering the parent(s) counseling for the aggressive child (and if refused by the parent, mandating the same). A quarter of a million for identifying and referring to designated counseling centers. Again, we definitely need to better police the growing number of aggressive sexual interludes between juveniles. But we also should explore less invasive, parentally-inclusive not overtly mandated and not so tax-payer expensive stop-gaps, too.—DAVID HALEY

Sub SB 130, AN ACT concerning elections; relating to advance ballots; amending K.S.A. 2018 Supp. 25-1124 and repealing the existing section.

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

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

The substitute bill passed.

SB 131, AN ACT concerning elections; amending K.S.A. 80-202 and K.S.A. 2018 Supp. 25-21a03 and repealing the existing sections.

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

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

The bill passed as amended.

SB 134, AN ACT concerning crimes, punishment and criminal procedure; relating to counterfeiting currency; amending K.S.A. 2018 Supp. 21-5840 and repealing the existing section.

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

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

The bill passed, as amended.

SB 162, AN ACT concerning children and minors; relating to foster care; requiring notification by a foster care case management contractor and the Kansas department for children and families of certain situations involving children.

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

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

The bill passed, as amended.

SB 193, AN ACT concerning the behavioral sciences regulatory board; relating to certain regulated professions; licensure; reciprocity; amending K.S.A. 65-5801, 65-5807, 65-6306, 65-6309, 65-6321, 65-6401, 65-6405, 65-6406, 65-6411, 65-6611, 65-6613, 74-5301, 74-5310, 74-5315, 74-5316, 74-5344, 74-5375 and 74-5376 and repealing the existing sections.

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

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

The bill passed, as amended.

SB 199, AN ACT concerning education; relating to Kansas high school equivalency credentials; establishing the AO-K to work program.

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

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

The bill passed.

HB 2035, AN ACT concerning alcoholic beverages; relating to cereal malt beverages and enforcement of laws regulating the sale thereof; amending K.S.A. 2016 Supp. 41-308, as amended by section 6 of chapter 56 of the 2017 Session Laws of Kansas, and K.S.A. 2018 Supp. 41-106 and 79-4101 and repealing the existing sections.

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

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

The bill passed, as amended.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2006**, **HB 2031**, **HB 2084**, **HB 2103**, **HB 2126**, **HB 2140**, **HB 2147**, **HB 2167**, **HB 2168**, **HB 2174**, **HB 2177**, **HB 2178**, **HB 2185**, **HB**

2191, HB 2198, HB 2206, HB 2209, HB 2211, HB 2214, HB 2225, HB 2239, HB 2243, HB 2246, HB 2248, HB 2281, HB 2290.

Announcing adoption of **SCR 1607**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2006, HB 2031, HB 2084, HB 2103, HB 2126, HB 2140, HB 2147, HB 2167, HB 2168, HB 2174, HB 2177, HB 2178, HB 2185, HB 2191, HB 2198, HB 2206, HB 2209, HB 2211, HB 2214, HB 2225, HB 2239, HB 2243, HB 2246, HB 2248, HB 2281, HB 2290 were thereupon introduced and read by title.

CHANGE OF REFERENCE

Under the authority of the President, the Vice President withdrew **SB 167** from the Committee on **Public Health and Welfare**, and referred the bill to the Committee on **Ways and Means**.

Under the authority of the President, the Vice President withdrew **SB 24** from the Committee on **Utilities**, and referred the bill to the Committee on **Ways and Means**.

Under the authority of the President, the Vice President withdrew **SB 108, SB 133**, from the Calendar under the heading of **General Orders**, and referred the bills to the Committee on **Ways and Means**.

On motion of Senator Denning, the Senate adjourned pro forma until 8:30 a.m., February 28, 2019.

Journal of the Senate

THIRTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 28, 2019, 8:30 a.m.

The Senate was called to order by President Susan Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **HB 2006, HB 2147, HB 2167, HB 2174.**

Education: **HB 2168.**

Federal and State Affairs: **HB 2239.**

Financial Institutions and Insurance: **HB 2031, HB 2140, HB 2177, HB 2209.**

Judiciary: **SB 219; HB 2178, HB 2191, HB 2206, HB 2211, HB 2243, HB 2281, HB 2290.**

Public Health and Welfare: **HB 2103, HB 2185, HB 2198.**

Transportation: **HB 2126, HB 2214, HB 2225, HB 2246, HB 2248.**

Utilities: **HB 2084.**

CHANGE OF REFERENCE

The President withdrew **SB 167** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Public Health and Welfare**.

The President withdrew **SB 24** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Utilities**.

The President withdrew **SB 108** from the Committee on **Ways and Means**, and referred to the calendar under the heading of **General Orders**.

The President withdrew **SB 133** from the Committee on **Ways and Means**, and referred to the calendar under the heading of **General Orders**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2048, HB 2144, HB 2203, HB 2223, HB 2279, HB 2336, HB 2346, HB 2360**, as amended.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2048, HB 2144, HB 2203, HB 2223, HB 2279, HB 2336, HB 2346, HB 2360 were thereupon introduced and read by title.

REPORT ON ENROLLED BILLS

SCR 1607 reported correctly enrolled, properly signed and presented to the Secretary of State on February 28, 2019.

TRIBUTES

The Committee on **Organization, Calendar and Rules** authorizes the following tributes for the week of February 25 through February 28, 2019:

Senator Berger: congratulating Abbey Pemberton on being named a Top Youth Volunteer in Kansas;

Senator Haley: celebrating Willie Etta Jennings' 100th Birthday; and

Senator Hardy: celebrating Ruth Alt's 101st Birthday, celebrating Elinor Cramer's 101st Birthday, celebrating Nora Shaffer's 107th Birthday, celebrating Evan Engle's 103rd Birthday.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Wednesday, March 6, 2019.

Journal of the Senate

THIRTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 6, 2019, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 39 senators present.
Senator Suellentrop was excused.

Today's invocation, from January of 1988, was delivered by Reverend Cecil Washington in commemoration of Reverend Frederick S. Hollomon, who served as Chaplain of the Kansas Senate for 31 years.

Heavenly Father,
When I dream of Kansas,
A thousand pictures form:
Pictures of now and then,
Of peaceful times or storm.
Of waving wheat and rolling hills
And elevators tall;
Of blazing winter sunsets,
The cardinal's lilting call.
Names emerge adorning
The horizons of my mind:
Abilene and Hickok,
From the rough and tumble times.
Capper, White and Earhart;
Turkey Red and Hays.
Leavenworth and Wichita
Brighten Kansas days.
I dream of frigid winters,
Of summers blistering hot.
I see the birth of character:
A prairie Camelot.
I sometimes cross its borders
To survey other scenes;
But my heart belongs to Kansas,
My land of pleasant dreams.
And I give You all the glory,
O God, For creating this land.
I pray in the Name of Jesus Christ. Amen

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 220, AN ACT concerning licensure of professional occupations; amending K.S.A. 74-120 and repealing the existing section, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **HB 2144**, **HB 2346**.

Federal and State Affairs: **HB 2223**.

Financial Institutions and Insurance: **HB 2203**.

Judiciary: **HB 2048**, **HB 2279**, **HB 2336**, **HB 2360**.

CHANGE OF REFERENCE

The President withdrew **HB 2167** from the Committee on **Commerce**, and referred the bill to the Committee on **Agriculture and Natural Resources**.

MESSAGES FROM THE GOVERNOR

February 19 2019

To the Senate of the State of Kansas:

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

LAURA KELLY
Governor

Secretary, Kansas Department of Commerce, David Toland, Iola, pursuant to the authority vested in me by K.S.A. 74-5002a and effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor, to succeed Bob North.

Secretary, Kansas Department of Transportation, Julie Lorenz, Lenexa, pursuant to the authority vested in me by K.S.A. 75-5001 and effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor, to succeed Richard Carlson.

Secretary, Kansas Department of Health and Environment, Lee Norman, Topeka, pursuant to the authority vested in me by K.S.A. 75-5601 and effective upon the date of confirmation by the Senate, to serve at the pleasure of the governor, to succeed Jeff Andersen.

Secretary, Kansas Department of Revenue, Mark Burghart, Topeka, pursuant to the authority vested in me by K.S.A. 75-5101 and effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor, to succeed Sam Williams.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1716—

A RESOLUTION recognizing the Kansas Athletic Trainers' Society
and the profession of athletic training in Kansas.

WHEREAS, The Kansas Athletic Trainers' Society was founded in 1980 as an organization committed to the education of its members and the enhancement of the profession of athletic training, creating better healthcare; and

WHEREAS, The Kansas Athletic Trainers' Society is composed of 512 certified athletic trainers from: Professional, collegiate, and high school teams; industrial settings; physician offices; rehabilitation clinics; and the United States military working together to promote and practice the profession of athletic training within the state of Kansas; and

WHEREAS, Athletic trainers have a long history of providing quality healthcare for athletes and persons engaged in regular physical activity; and

WHEREAS, Kansas athletic trainers are highly skilled healthcare professionals, licensed by the Kansas Board of Healing Arts, who collaborate with physicians to provide: Immediate, acute and emergency care; examination, assessment and diagnosis; injury prevention and risk management; therapeutic intervention; and rehabilitation of injury and illness; and

WHEREAS, Athletic trainers render services to enable patients and clients to return to work and participate in sports and recreation; and

WHEREAS, The National Athletic Trainers' Association represents and supports more than 46,000 members of the athletic training profession, including more than 512 certified athletic trainers and 216 athletic training students in the state of Kansas; and

WHEREAS, Leading organizations concerned with athletic training and healthcare have united in a common commitment to raise public awareness of the importance of the profession of athletic training and the role of athletic trainers in the provision of quality healthcare services; and

WHEREAS, It is the desire of the Kansas Senate to promote improved healthcare and physical activity for Kansans: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the Kansas Athletic Trainers' Society for their honorable work in keeping the community healthy and recognize the profession of athletic training in Kansas; and

Be it further resolved: That the Secretary of the Senate shall send enrolled copies of this resolution to the Kansas Athletic Trainers' Society and the National Athletic Trainers' Association.

On emergency motion of Senator Longbine **SR 1716** was adopted by voice vote.

REPORTS OF STANDING COMMITTEES

The **Select Committee on Education Finance** recommends **SB 142** be passed.

Committee on **Ways and Means** recommends **SB 155** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Thursday, March 7, 2019.

Journal of the Senate

THIRTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 7, 2019, 2:30 p.m.

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

The roll was called with 39 senators present.

Senator Suellentrop was excused.

The Vice President introduced guest Chaplain, Reverend Rich Shockey, Church of the Nazarene and guest of Senator Sykes, to deliver the invocation.

Lord of love and light, who has entrusted us with the great responsibility to steward Your resources, Your creation, Your people, Your love, grant we ask the mercy to be good stewards of all of those good gifts which you have bestowed upon us. Raise us up in a unity that can only come from a love planted deep within our souls for every person in Kansas, recognizing that every single one is created in Your image and worthy of the same love You have given to us. May we especially remember the poor, the suffering, the marginalized and those without voices, for we know they hold a special place in Your heart.

We ask You to deliver us from division, from tribalism, to save us from decisions and policies that are motivated by fear. Help us to be hospitable and charitable in our speech, discourse and even disagreement with one another. Bring a Godly shape to our dialogue and help us find solutions even when our perspectives may differ. We know that healthy democracy is formed when all voices are welcome at the table. Save us, God, from violence, discourse and confusion; from hubris and arrogance and from every evil way. Bring moral clarity to our policies and our decision making processes. Bless all of our lawmakers and their families and all who sacrifice for the good of public service and all of those in the good State of Kansas. In YOUR name, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 221, AN ACT concerning alcoholic liquor; relating to clubs and drinking establishments; removal of unconsumed beer and cereal malt beverage from licensed premises; amending K.S.A. 2018 Supp. 41-2653 and repealing the existing section, by Committee on Federal and State Affairs.

SB 222, AN ACT concerning gaming; relating to the Kansas expanded lottery act; authorizing sports wagering; amending K.S.A. 74-8702, 74-8710, 74-8716, 74-8733, 74-8734, 74-8741, 74-8751, 74-8752, 74-8757, 74-8760 and 74-8766 and K.S.A. 2018 Supp. 21-6403 and repealing the existing sections, by Committee on Federal and State

Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Federal and State Affairs: **SB 220**.

REFERENCE OF APPOINTMENTS

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

Secretary, Department of Revenue:

Mark Burghart, to serve at the pleasure of the governor.
(Assessment and Taxation)

Secretary, Department of Health and Environment:

Lee Norman, to serve at the pleasure of the governor.
(Public Health and Welfare)

Secretary, Department of Commerce:

David Toland, to serve at the pleasure of the governor.
(Commerce)

Secretary, Department of Transportation:

Julie Lorenz, to serve at the pleasure of the governor.
(Transportation)

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1717—

A RESOLUTION congratulating and commending Dr. Kent and Olga Porter for their indomitable commitment to and outstanding achievement in the restoration of the historic Stonehaven Farm.

WHEREAS, Stonehaven Farm in Leavenworth County is a 20-acre historic treasure, located on what was the largest commercial apple orchard farm in the world at the end of the 19th century; and

WHEREAS, The Stonehaven Farm was originally designed by Cora Wellhouse Bullard, a champion of women's rights and daughter of beloved Kansas State Senator and American Civil War Captain Frederick Wellhouse; and

WHEREAS, Construction on the farm began in 1898 and was completed in 1903. The Stonehaven Farm is a local and national landmark, recognized on the Kansas Historic Register and the National Register of Historic Places; and

WHEREAS, The husband-wife team of Dr. Kent and Olga Porter have devoted decades to an exceptionally high-quality restoration of the Stonehaven Farm while retaining its original architecture and historical details; and

WHEREAS, The Kansas Preservation Alliance has recognized the Porters with the 2018 Honor Award for Excellence in Preservation; and

WHEREAS, The members of the Kansas Legislature and the people of Kansas take great pride in the preservation of vibrant history, and are eternally grateful to the Porters for their hard work, perseverance and steadfast dedication to safeguarding this cherished Kansas property: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Dr. Kent and Olga Porter for their indomitable commitment to and outstanding achievement in the restoration of the historic Stonehaven Farm; and

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

On emergency motion of Senator Holland **SR 1717** was adopted by voice vote.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **HB 2174** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator Denning, the Senate adjourned until 8:00 a.m., Friday, March 8, 2019.

Journal of the Senate

THIRTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, March 8, 2019, 8:00 a.m.

The Senate was called to order by Senator Hardy.

The roll was called with 26 senators present.

Senators Baumgardner, Billinger, Bollier, Doll, Hensley, Holland, Longbine, Lynn, Masterson, Olson, Pilcher-Cook, Suellentrop, Taylor and Ware were excused.

Invocation by Reverend Cecil T. Washington:

Lord, God, we thank You for another day; for another week; for another time to have been in Your care, under Your guidance, desiring to be instruments in Your Hands; vessels of compassion.

Your faithfulness has continued to prevail toward us. Over the weekend, help our faithfulness to prevail. Help us to continually sense Your nearness. Give us the same assurance that You gave Your servant Jacob. In Genesis 28:15-16, in the dream he had about the Ladder that reached into Heaven, You gave him the confidence he needed when You said, "Behold, I am with you and will keep you wherever you go and will bring you back...For I will not leave you until I have done what I have promised you!"

Moses said he didn't want to go anywhere unless You went with him. So Lord, at every turn we take, give us an awareness of Your presence. Thank You again for one more day, for one more opportunity to say thank You. I come to Your Holy throne in the Name of Jesus, Amen.

The Pledge of Allegiance was led by Senator Hardy.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committee as indicated:

Federal and State Affairs: **SB 221**, **SB 222**.

CHANGE OF REFERENCE

Under the authority of the President, Senator Hardy withdrew **SB 102** from the Committee on **Judiciary**, and referred the bill to the Committee on **Ways and Means**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2160**.

Announcing passage of **SB 22**, as amended.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2160 was thereupon introduced and read by title.

REPORT ON ENROLLED BILLS

SR 1716, SR 1717 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 8, 2019.

TRIBUTES

The Committee on **Organization, Calendar, and Rules** authorizes the following tributes for the week of March 6 through March 8, 2019:

Senator Billinger: congratulating the Ellis High School Cheerleading Squad on winning the Spirit Gameday Championship;

Senator Bowers: congratulating Beth Gross on being named the Concordia Elementary School Teacher of the Year, congratulating Gena Kearn on being named the Concordia Secondary Teacher of the Year, congratulating Kim Lohse on his 500th career win as the Hanover High School Boys Basketball Coach, congratulating Elizabeth Jueneman on winning first place in the National Association of Conservation Districts 2018 Poster Contest, congratulating Heather Schemper on winning the "My Hero" Essay Contest, congratulating Rick Coomes on being named the Phillipsburg Chamber and Main Street Business of the Year, congratulating Raudy Latta on receiving the Marysville Chamber of Commerce Exceptional Young Leader Award, congratulating Belleville Hometown Lumber on receiving the 2018 Business Expansion Award, congratulating Wood Shop Coffee and Pizza on receiving the 2018 Up and Coming Award, congratulating Huff's Farmhouse Cafe on receiving the 2018 New Business Recognition Award, congratulating The Telescope on receiving the 2018 Longevity Award;

Senator Haley: congratulating Kevin Willmott on winning an Academy Award for Best Adapted Screenplay, celebrating Alex Thomas' 80th Birthday; and

Senator Sykes: congratulating Claire Barnhart on receiving the Girl Scout Gold Award.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Monday, March 11, 2019.

Journal of the Senate

THIRTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 11, 2019, 2:30 p.m.

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

The roll was called with 39 senators present.

Senator Hensley was excused.

Invocation by Reverend Cecil T. Washington:

Lord, God, Our Hope and our Keeper, we come thanking You for bringing us through another weekend. We've experienced another start of Daylight Savings Time. Lord, It was over a century ago, in 1885, when George Hudson gave birth to that concept. The idea was to spring our clocks forward an hour in the spring to gain an hour of daylight in the evening. And to fall back to standard time in the fall. Lord, we lost an hour of some real good sleep. And I guess we have to wait until November to try and get it back; that's if we can.

Irrespective of what we do with the clock, the quality of our time, as well as the quantity is ultimately determined by You. Therefore, You challenge us, in Ephesians 5:15-16, to make the best use of whatever time You give us; to make the most of every opportunity for doing the good of serving others and pleasing You. As it says in Psalm 90:12, teach us to number our days, to tally each day, to make each and every day count, for not even tomorrow, is promised to us.

So Lord, when the day comes that we can no longer make adjustments to the clock; when the time of final accounting has come; when we stand in Your presence and give an accounting for the lives we've lived, we really want to hear You give us the words of Matthew 25:20-21, "Well done, good and faithful servant. You've been faithful with the little that I've given you responsibility for. I'll now bring You from labor to reward. Come and enter into the joys of governing with your Master in a New Heaven and a New Earth."

I come to You in the precious Name of Jesus, Amen and Amen.

The Pledge of Allegiance was led by Vice President Longbine.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Assessment and Taxation: **HB 2160**.

CHANGE OF REFERENCE

Under the authority of the President, the Vice President withdrew **SB 102** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Judiciary**.

MESSAGES FROM THE GOVERNOR

SB 9 approved on March 8, 2019.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Tuesday, March 12, 2019.

Journal of the Senate

THIRTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 12, 2019, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 39 senators present.

Senator Hensley was excused.

Invocation by Reverend Cecil T. Washington, which he sang:

As we come together, in this house today, Let us all remember it is time to pray. We should all be faithful if we really care. Let us raise our spirits in this time of prayer.

God bless America. Land that I love;

Stand beside her, and guide her through the night with Your light from above;

From the mountains, to the prairies, to the oceans white with foam;

God bless America, my home sweet home.

God bless America, my home sweet home;

From the mountains, to the prairies, to the oceans white with foam;

God bless America, my home sweet home;

God bless America, my home sweet home. Amen.

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 223, AN ACT enacting the anesthesiologist assistant licensure act; providing for the powers, duties and functions of the state board of healing arts; amending K.S.A. 65-1163 and 65-28,127 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 224, AN ACT enacting the Kansas retail pet shop act; establishing the Kansas retail pet shop act fee fund, by Committee on Assessment and Taxation.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Holland, Billinger, Braun, Doll, Faust-Goudeau, Francisco, Goddard, Haley, Hawk, Hilderbrand, Kerschen, Longbine, McGinn, Miller, Petersen, Pettey, Rucker, Skubal, Sykes, Taylor, Tyson, Wagle and Ware introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1718—

A RESOLUTION recognizing the Kansas Small Business Development Center's 2019 Businesses of the Year.

WHEREAS, The mission of the Kansas Small Business Development Center (SBDC), a member of America's SBDC, is to increase economic prosperity in Kansas by helping entrepreneurs and small business owners start and grow their businesses through professional consulting and training and the identification of appropriate resources; and

WHEREAS, In 2019, the Kansas SBDC regional directors and staff selected eight Emerging Businesses of the Year award recipients and eight Existing Businesses of the Year award recipients; and

WHEREAS, The Kansas SBDC's Business of the Year awards recognize Kansas SBDC clients for superior performance; and

WHEREAS, The Business of the Year award recipients have achieved major accomplishments, overcome significant obstacles, demonstrated good corporate citizenship through community contributions, and shown growth and made a positive economic impact in Kansas, based on a record of profitability and on the Kansas SBDC Economic Impact Tracking spreadsheet; and

WHEREAS, The 2019 Kansas SBDC Emerging Businesses of the Year are: ArtForms Gallery in Pittsburg, owned by Sue Horner, Janet Lewis, Ruth Miller, and Sylvia Shirley; Ellen Plumb's City Bookstore in Emporia, owned by Marcia Lawrence; Gravity Wellness Center in Garden City, owned by Kristi Schmitt; Leeway Franks in Lawrence, owned by Lee and K. Meisel; Lost Creek German Shepherds in Clayton, owned by Taylor and John Meitl; Norsemen Brewing Company in Topeka, owned by Jared and Emily Rudy and Adam and Melissa Rosdahl; Safely Delicious in Overland Park, owned by Lisa Ragan; and Triple Threat Ag Services in Conway Springs, owned by Aaron, Allen, Paul, and Phillip Lange; and

WHEREAS, The 2019 Kansas SBDC Existing Businesses of the Year are: Angela's Wellness Center, LLC in Elkhart, owned by Angela Willey; Bolling's Meat Market & Deli in Iola, owned by Cara Bolling Thomas; Dod Installations in Wichita, owned by Wilt and Tina Dod; Floyd's Inc. in Emporia, owned by John and Ruth Wheeler; Good Energy Solutions in Lawrence, owned by Kevin Good; LaCrosse Furniture Co. in LaCrosse, employee-owned; The Winged Lion in Manhattan, owned by Ralph Diaz; and Wolcott Foods in Kansas City, owned by Ron Tilman; and

WHEREAS, The Kansas SBDC Businesses of the Year serve as examples of the success that the Kansas SBDC and small business owners across Kansas can achieve: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the Kansas Small Business Development Center's 2019 Businesses of the Year. We wish them all, the Kansas SBDC, and America's SBDC continued success in the future; and

Be it further resolved: That the Secretary of the Senate shall send 20 enrolled copies of this resolution to Senator Holland.

On emergency motion of Senator Holland **SR 1718** was adopted by voice vote.

On motion of Senator Denning, the Senate recessed to the sound of the gavel.

The Senate met pursuant to recess with Vice President Longbine in the chair.

COMMITTEE OF THE WHOLE

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

On motion of Senator Kerschen the following report was adopted:

SB 99 be amended by the adoption of the committee amendments, and the bill be passed as amended.

SB 70 be amended by the adoption of the committee amendments, be further amended by motion of Senator Estes; on page 1, in line 27, by striking "of a bank within this state";

On page 6, following line 38, by inserting:

"Sec. 7. K.S.A. 2016 Supp. 41-102, as amended by section 4 of chapter 56 of the 2017 Session Laws of Kansas, is hereby amended to read as follows: 41-102. As used in this act, unless the context clearly requires otherwise:

(a) "Alcohol" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever its origin, and includes synthetic ethyl alcohol but does not include denatured alcohol or wood alcohol.

(b) "Alcoholic liquor" means alcohol, spirits, wine, beer and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being, but shall not include any cereal malt beverage.

(c) "Beer" means a beverage, containing more than 3.2% alcohol by weight, obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water and includes beer, ale, stout, lager beer, porter and similar beverages having such alcoholic content.

(d) "Caterer" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(e) "Cereal malt beverage" has the meaning provided by K.S.A. 41-2701, and amendments thereto.

(f) "Club" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(g) "Director" means the director of alcoholic beverage control of the department of revenue.

(h) "Distributor" means the person importing or causing to be imported into the state, or purchasing or causing to be purchased within the state, alcoholic liquor for sale or resale to retailers licensed under this act or cereal malt beverage for sale or resale to retailers licensed under K.S.A. 41-2702, and amendments thereto.

(i) "Domestic beer" means beer which contains not more than 10% alcohol by weight and which is manufactured in this state.

(j) "Domestic fortified wine" means wine which contains more than 14%, but not more than 20% alcohol by volume and which is manufactured in this state.

(k) "Domestic table wine" means wine which contains not more than 14% alcohol by volume and which is manufactured without rectification or fortification in this state.

(l) "Drinking establishment" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(m) "Farm winery" means a winery licensed by the director to manufacture, store and sell domestic table wine and domestic fortified wine.

- (n) "Hard cider" means any alcoholic beverage that:
- (1) Contains less than 8.5% alcohol by volume;
 - (2) has a carbonation level that does not exceed 6.4 grams per liter; and
 - (3) is obtained by the normal alcoholic fermentation of the juice of sound, ripe apples or pears, including such beverages containing sugar added for the purpose of correcting natural deficiencies.
- (o) "Manufacture" means to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle or fill an original package with any alcoholic liquor, beer or cereal malt beverage.
- (p) (1) "Manufacturer" means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or refills an original package and others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquor, beer or cereal malt beverage.
- (2) "Manufacturer" does not include a microbrewery, microdistillery or a farm winery.
- (q) "Microbrewery" means a brewery licensed by the director to manufacture, store and sell domestic beer and hard cider.
- (r) "Microdistillery" means a facility which produces spirits from any source or substance that is licensed by the director to manufacture, store and sell spirits.
- (s) "Minor" means any person under 21 years of age.
- (t) "Nonbeverage user" means any manufacturer of any of the products set forth and described in K.S.A. 41-501, and amendments thereto, when the products contain alcohol or wine, and all laboratories using alcohol for nonbeverage purposes.
- (u) "Original package" means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor. Original container does not include a sleeve.
- (v) "Person" means any natural person, corporation, partnership, trust or association.
- (w) "Powdered alcohol" means alcohol that is prepared in a powdered or crystal form for either direct use or for reconstitution in a nonalcoholic liquid.
- (x) "Primary American source of supply" means the manufacturer, the owner of alcoholic liquor at the time it becomes a marketable product or the manufacturer's or owner's exclusive agent who, if the alcoholic liquor cannot be secured directly from such manufacturer or owner by American wholesalers, is the source closest to such manufacturer or owner in the channel of commerce from which the product can be secured by American wholesalers.
- (y) (1) "Retailer" means a person who is licensed under the Kansas liquor control act and sells at retail, or offers for sale at retail, alcoholic liquors or cereal malt beverages.
- (2) "Retailer" does not include a microbrewery, microdistillery or a farm winery.
- (z) "Sale" means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration and includes all sales made by any person, whether principal, proprietor, agent, servant or employee.
- (aa) "Salesperson" means any natural person who:
- (1) Procures or seeks to procure an order, bargain, contract or agreement for the sale of alcoholic liquor or cereal malt beverage; or

(2) is engaged in promoting the sale of alcoholic liquor or cereal malt beverage, or in promoting the business of any person, firm or corporation engaged in the manufacturing and selling of alcoholic liquor or cereal malt beverage, whether the seller resides within the state of Kansas and sells to licensed buyers within the state of Kansas, or whether the seller resides without the state of Kansas and sells to licensed buyers within the state of Kansas.

(bb) "Sample" means a serving of alcoholic liquor that contains not more than: (1) One-half ounce of distilled spirits; (2) one ounce of wine; or (3) two ounces of beer or cereal malt beverage. A sample of a mixed alcoholic beverage shall contain not more than ½ ounce of distilled spirits.

(cc) "Secretary" means the secretary of revenue.

~~(ee)~~(dd) (1) "Sell at retail" and "sale at retail" refer to and mean sales for use or consumption and not for resale in any form and sales to clubs, licensed drinking establishments, licensed caterers or holders of temporary permits.

(2) "Sell at retail" and "sale at retail" do not refer to or mean sales by a distributor, a microbrewery, a farm winery, a licensed club, a licensed drinking establishment, a licensed caterer or a holder of a temporary permit.

~~(dd)~~(ce) "To sell" includes to solicit or receive an order for, to keep or expose for sale and to keep with intent to sell.

(ee)(ff) "Sleeve" means a package of two or more 50-milliliter (3.2-fluid-ounce) containers of spirits.

(ff)(gg) "Spirits" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

(gg)(hh) "Supplier" means a manufacturer of alcoholic liquor or cereal malt beverage or an agent of such manufacturer, other than a salesperson.

(hh)(ii) "Temporary permit" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(ii)(jj) "Wine" means any alcoholic beverage obtained by the normal alcoholic fermentation of the juice of sound, ripe grapes, fruits, berries or other agricultural products, including such beverages containing added alcohol or spirits or containing sugar added for the purpose of correcting natural deficiencies. The term "wine" shall include hard cider and any other product that is commonly known as a subset of wine.";

On page 15, in line 16, by striking "which" and inserting "that"; in line 17, before the colon by inserting "not more than"; also in line 17, before "distilled" by inserting "One-half ounce of"; also in line 17, before "wine" by inserting "one ounce of"; in line 18, before "beer" by inserting "two ounces of"; in line 20, by striking "may also be served" and inserting "shall contain not more than ½ ounce of distilled spirits";

On page 21, in line 18, after "K.S.A." by inserting "2016 Supp. 41-102, as amended by section 4 of chapter 56 of the 2017 Session Laws of Kansas, and K.S.A."; in line 19, by striking "and" and inserting a comma; also in line 19, after "41-2645" by inserting "and 41-2657"; in line 21, after "after" by inserting "April 1, 2019, and"; in line 22, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "amending" by inserting "K.S.A. 2016 Supp. 41-102, as amended by section 4 of chapter 56 of the 2017 Session Laws of Kansas,"; in

line 4, by striking "and" and inserting a comma; also in line 4, after "41-2645" by inserting "and 41-2657"

SB 70 be further amended by motion of Senator Estes; on page 21, following line 17, by inserting:

"Sec. 15. K.S.A. 2018 Supp. 41-2659 is hereby amended to read as follows: 41-2659. (a) (1) A city or a county may establish one or more common consumption areas within the limits of the city or within the unincorporated portion of the county, as applicable, by ordinance or resolution, respectively, and authorize the possession and consumption of alcoholic liquor within the common consumption area. The ordinance or resolution shall designate the boundaries of any common consumption area and prescribe the times during which alcoholic liquor may be consumed therein. The ordinance or resolution shall require that any public street or roadway that lies within a common consumption area shall be blocked from motorized traffic during the hours in which alcohol is consumed.

(2) The city or county shall immediately notify the director of the division of alcoholic beverage control of the establishment of a common consumption area and submit a copy of the ordinance or resolution along with such notice.

(b) A common consumption area permit shall allow the consumption of alcoholic liquor in any area designated by such permit. The director may issue common consumption area permits to the city or county or any one person who shall be a resident of Kansas or an organization that has its principal place of business in Kansas and that has been approved by the respective city or county, in accordance with rules and regulations adopted by the secretary of revenue.

(c) Applications for common consumption area permits shall be submitted to the director, subject to the following:

(1) A copy of any ordinance or resolution promulgated in accordance with subsection (a) shall accompany any application for a common consumption area permit.

(2) Each application shall be accompanied by a non-refundable permit fee of \$100. All permit fees collected by the director pursuant to this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(3) A common consumption area permit shall be issued for a period of not to exceed one year. A common consumption area permit shall not be transferable or assignable.

(d) Any licensee immediately adjacent to, or located within a common consumption area may request that the licensee's licensed premises participate in the common consumption area for the duration of the common consumption area permit. Such a request shall be made upon forms prescribed by the director.

(e)(1) Any licensee who has requested and received permission to participate in the common consumption area may allow its legal patrons to remove alcoholic liquor purchased from the licensee into the premises described by the common consumption area permit. All alcoholic beverages removed from a licensed premises in such fashion shall be served in a container that displays the licensee's trade name or logo or other identifying mark that is unique to the licensee.

(2) In addition to their licensed premises, one or more licensees that have requested and received permission to participate in a common consumption area may offer for

sale, sell and serve alcoholic liquor for consumption from one non-contiguous service area within the common consumption area, as designated and approved by the common consumption area permit holder. The licensee shall prominently display a copy of its drinking establishment license and the approval of the common consumption area permit holder at its non-contiguous service area.

(f) (1) Each licensee within a common consumption area shall be liable for violations of all liquor laws governing the sale and consumption of alcoholic liquor that occur on the licensee's premises.

(2) Each common consumption area permit holder shall be liable for violations that occur off the licensee's premises, but within the common consumption area identified in the permit. No permit holder shall permit any person to remove any open container of alcoholic liquor from the boundaries of the common consumption area.

(g) For the purposes of this section, "common consumption area" shall mean a defined indoor or outdoor area not otherwise subject to a license issued pursuant to the Kansas liquor control act or the club and drinking establishment act where the possession and consumption of alcoholic liquor is allowed pursuant to a common consumption area permit. The boundaries of any common consumption area must be clearly marked using a physical barrier or any apparent line of demarcation.

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

(i) This section shall be a part of and supplemental to the club and drinking establishment act.;

Also on page 21, in line 19, by striking "and" and inserting a comma; also in line 19, after "41-2645" by inserting "and 41-2659";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the second semicolon by inserting "common consumption areas;"; in line 3, by striking the first "and" and inserting a comma; also in line 3, after "41-2642" by inserting "and 41-2659", and the bill be passed as further amended.

A motion by Senator Bowers to amend **SB 70** was withdrawn.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 150** be amended on page 2, in line 19, by striking "(B) an administrative agency; or (C)" and inserting "or (B)"; in line 26, after "fee" by inserting "not to exceed one month's rent"; in line 28, by striking "lease" and inserting "agreement"; and the bill be passed as amended.

Committee on **Public Health and Welfare** begs leave to submit the following report:

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

By the Governor:

Secretary, Department of Health and Environment: K.S.A. 75-5601

Dr. Lee Norman, serves at the pleasure of the Governor

Committee on **Utilities** recommends **SB 69** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 69," as follows:

"Substitute for SENATE BILL No. 69

By Committee on Utilities

"AN ACT concerning electric utilities; requiring a study of electric rates; relating to the legislative coordinating council; state corporation commission.";

And the substitute bill be passed.

CHANGE OF REFERENCE

The President withdrew **SB 211** from the Committee on **Judiciary**, and referred the bill to the Committee on **Education**.

On motion of Senator Petersen, the Senate adjourned until 2:30 p.m., Wednesday, March 13, 2019.

Journal of the Senate

THIRTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 13, 2019, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 39 senators present.

Senator Hensley was excused.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, yesterday in song, our prayer was God Bless America; this land that we love. Stand beside her, and guide her, with Your light from above. Lord, what we need as a nation, as a state; what we need in our homes must ultimately come from Your Hand of blessings being extended to us. For You made it clear in James 1:17, that every good and perfect gift comes from You.

When the wheels of a vehicle are out of alignment, the sooner they're corrected the better and the greater the chance of avoiding heavy repair costs. In a like manner Lord, the wheels that we run on need to be brought into alignment with You; with Your will, and with Your ways. In Psalm 33:12, Your Word says, "Blessed is the nation whose God is the Lord."

When the crying Prophet Jeremiah observed the condition of his nation, in the 17th chapter, You used him to contrast the difference between a people being cursed by You or being blessed. In verse 6, the cursed was like a shrub in a dry desert not seeing prosperity. While in verse 8 the blessed one, the one in alignment with You, will be nourished like a tree planted by the waters, maintaining green leaves and bearing much fruit.

So Lord, like a Master Mechanic, hoist us up on Your rack and bring every wheel, every thought, attitude, action, and habit into the alignment appropriate for Your blessings. In the Name of Jesus, I come to You for continuing alignment. Amen and Amen.

The Pledge of Allegiance was led by President Wagle.

POINT OF PERSONAL PRIVILEGE

Senator Lynn rose on a Point of Personal Privilege to introduce her fellow Board Members from the Kansas State School for the Blind, known as the "KC Blind All Stars," Kansas City, Kansas, who have been "shadowing" her for the day and were seated in the VIP Gallery: Jon Harding, Vice-President and Superintendent; Larry Hisle, Secretary; Tom Johnson, Treasurer; and Madeleine Burkindine, Board Member and former Superintendent.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 225, AN ACT concerning the hospital provider assessment; relating to assessment and use; rate; base; membership on the healthcare access improvement panel; amending K.S.A. 65-6208 and 65-6218 and repealing the existing sections, by Committee on Ways and Means.

SB 226, AN ACT concerning the sale of cereal malt beverage; amending K.S.A. 2016 Supp. 41-2704, as amended by section 9 of chapter 56 of the 2017 Session Laws of Kansas, and repealing the existing section, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **SB 224**.

Public Health and Welfare: **SB 223**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2133**.

Announcing passage of **SB 17**, **SB 39**.

Also, announcing adoption of **SCR 1606**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2133 was thereupon introduced and read by title.

FINAL ACTION ON CONSENT CALENDAR

SB 155, **SB 173**; **HB 2174** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 155, AN ACT concerning certain cemetery districts and the deannexation of territory located within a city.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn.

Absent or Not Voting: Hensley, Suellentrop.

The bill passed.

SB 173, AN ACT concerning the disposition of state real property; authorizing the state board of regents on behalf of the university of Kansas to sell certain real property in Douglas county.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hilderbrand,

Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn.

Absent or Not Voting: Hensley, Suellentrop.

The bill passed.

HB 2174, AN ACT concerning the state use law; relating to extension of the sunset date for five years; amending K.S.A. 2018 Supp. 75-3322c and repealing the existing section.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn.

Absent or Not Voting: Hensley, Suellentrop.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 70, AN ACT concerning alcoholic beverages; relating to temporary permits; amending K.S.A. 2016 Supp. 41-102, as amended by section 4 of chapter 56 of the 2017 Session Laws of Kansas, K.S.A. 2018 Supp. 41-308a, 41-719, 41-2601, 41-2608, 41-2622, 41-2637, 41-2641 and 41-2642 and repealing the existing sections; also repealing K.S.A. 2018 Supp. 41-347, 41-2645 and 41-2657, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn.

Absent or Not Voting: Hensley, Suellentrop.

The bill passed, as amended.

SB 99, AN ACT concerning emergency medical services; relating to the emergency medical services board; powers and duties thereof; authorized activities of certain emergency medical services providers; creating the designation of inactive certificate; establishing the medical services criminal history and fingerprinting fund; updating terminology and references related thereto; amending K.S.A. 65-16,127, 65-1728, 65-2891, 65-2913, 65-4915, 65-6001, 65-6102, 65-6110, 65-6111, 65-6112, 65-6119, 65-6120, 65-6124, 65-6126, 65-6127, 65-6129, 65-6129a, 65-6129b, 65-6130, 65-6133, 65-6135, 65-6145, 65-6150, 74-4954a and 80-1557 and K.S.A. 2018 Supp. 8-1,159, 21-6326, 39-1402, 39-1431, 40-2141, 44-131, 44-508, 44-510h, 44-511, 44-1204, 75-4364 and 75-5664 and repealing the existing sections; also repealing K.S.A. 65-6123 and 65-6129c, was considered on final action.

On roll call, the vote was: Yeas 36; Nays 2; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Rucker, Skubal, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn.

Nays: Hilderbrand, Pyle.

Absent or Not Voting: Hensley, Suellentrop.

The bill passed, as amended.

COMMITTEE OF THE WHOLE

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

On motion of Senator Petersen the following report was adopted:

SCR 1605 be adopted.

The committee report on **SB 69** recommending **Sub SB 69** be adopted, and the substitute bill be passed.

Senator Francisco moved **Sub SB 69** be rereferred to the Committee on Utilities. The motion failed.

A motion by Senator Haley to amend **Sub SB 69** was offered.

A ruling of the chair was requested as to the germaneness of the amendment. The Rules Committee ruled the amendment was germane to the bill.

The motion by Senator Haley to amend **Sub SB 69** failed.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Thursday, March 14, 2019.

Journal of the Senate

FORTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 14, 2019, 2:30 p.m.

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

Lord, God of Heaven and Earth, Creator and Sustainer of Light – Genesis 1:14; when we observe the wonder of Your creation, when we examine this world that You’ve created, we’ve come to depend on the way in which You have maintained it. Down through the centuries, we’ve come to depend on the “Constants” that You’ve given us; the length of days, weeks, months and years; the water cycle of precipitation, evaporation, condensation as You cause it to constantly repeat itself.

March 14, is referred to as Pi day, because of the digits 3.14, that remind us of the mathematical equation pi (π), where the ratio or relationship between the circumference of a circle and the diameter of that circle will be constant, always the same no matter how big or small the circle gets. In a small way, this reminds us of You.

Your Words in Hebrews 13:8 and James 1:17 give us the assurance that You are constant! You’re the Father of all light. You’re not shifting like the shadows. You’re the same, yesterday, today and forever. What You have declared as right, was right, is right and will be right. Your code of ethics is not determined by where we are. Our codes are to be subject to where You are.

So, Lord, thank You for one more reminder of how reliable You are; of how faithful and dependable You are. With that in mind, help us to move forward with boldness, trusting in the “Constant” of Your continuing, day by day, moment by moment, mercy, wisdom and guidance.

Once again, I come to You in the Name of our Lord and Savior, Jesus the Christ. Amen.

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 227, AN ACT concerning human trafficking; relating to victims of human trafficking, aggravated human trafficking or commercial sexual exploitation of a child; Kansas criminal code; compulsion defense; expungement; Kansas offender registration act; exemption from registration; termination of registration; revised Kansas juvenile justice code; expungement of records or files; amending K.S.A. 2018 Supp. 21-5206, 21-6614, 22-4902, 22-4908 and 38-2312 and repealing the existing sections, by

Committee on Federal and State Affairs.

SB 228, AN ACT concerning insurance; relating to third party administrators; license and renewal application fees; amending K.S.A. 2018 Supp. 40-3812, 40-3813 and 40-3814 and repealing the existing sections, by Committee on Ways and Means.

SB 229, AN ACT abolishing the capitol area plaza authority; amending K.S.A. 75-2252 and 75-2255 and K.S.A. 2018 Supp. 75-2253, 75-2256, 75-2265 and 75-36,104 and repealing the existing sections; also repealing K.S.A. 75-2237a, 75-2237b, 75-2238a, 75-2239, 75-2240a, 75-2241a, 75-2242 and 75-3620 and K.S.A. 2018 Supp. 75-2237, by Committee on Federal and State Affairs.

SB 230, AN ACT concerning the Kansas department for children and families; relating to the Kansas commission for the deaf and hard of hearing; executive director duties; registration of interpreters; rules and regulation authority; amending K.S.A. 75-4355a and 75-4355b and K.S.A. 2018 Supp. 75-5391, 75-5393 and 75-5397a and repealing the existing sections, by Committee on Federal and State Affairs.

The following concurrent resolution was introduced and read by title:

SENATE CONCURRENT RESOLUTION No. 1608 –

By Committee on Federal and State Affairs

A PROPOSITION to amend sections 5, 6 and 9 of article 1 of the constitution of the state of Kansas, relating to the update of the language in the executive article.

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

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Sections 5, 6 and 9 of article 1 of the constitution of the state of Kansas is hereby amended to read as follows:

"§ 5. Governor's duties for legislature; messages; special sessions; adjournment. The governor may, on extraordinary occasions, call the legislature into special session by proclamation; and shall call the legislature into special session, upon petition signed by at least ~~two-thirds~~ 2/3 of the members elected to each house. At every session of the legislature the governor shall communicate in writing information in reference to the condition of the state, and recommend such measures as ~~he~~ the governor deems expedient. In case of disagreement between the two houses in respect of the time of adjournment, the governor may adjourn the legislature to such time as ~~he~~ the governor deems proper, not beyond its next regular session."

"§ 6. Reorganization of state agencies of executive branch. (a) For the purpose of transferring, abolishing, consolidating or coordinating the whole or any part of any state agency, or the functions thereof, within the executive branch of state government, when the governor considers the same necessary for efficient administration, ~~he~~ the governor may issue one or more executive reorganization orders, each bearing an identifying number, and transmit the same to the legislature within the first ~~thirty~~ 30 calendar days of any regular session. Agencies and functions of the legislative and judicial branches, and

constitutionally delegated functions of state officers and state boards shall be exempt from executive reorganization orders.

(b) The governor shall transmit each executive reorganization order to both houses of the legislature on the same day, and each such order shall be accompanied by a governor's message, which shall specify with respect to each abolition of a function included in the order, the statutory authority for the exercise of the function. Every executive reorganization order shall provide for the transfer or other disposition of the records, property and personnel affected by the order. Every executive reorganization order shall provide for all necessary transfers of unexpended balances of appropriations of agencies affected by such order, and such changes in responsibility for and handling of special funds as may be necessary to accomplish the purpose of such order. Transferred balances of appropriations may be used only for the purposes for which the appropriation was originally made.

(c) Each executive reorganization order transmitted to the legislature as provided in this section shall take effect and have the force of general law on the July 1 following its transmittal to the legislature, unless within ~~sixty~~ 60 calendar days and before the adjournment of the legislative session either the senate or the house of representatives adopts by a majority vote of the members elected thereto a resolution disapproving such executive reorganization order. Under the provisions of an executive reorganization order a portion of the order may be effective at a time later than the date on which the order is otherwise effective.

(d) An executive reorganization order ~~which~~ that is effective shall be published as and with the acts of the legislature and the statutes of the state. Any executive reorganization order ~~which~~ that is or is to become effective may be amended or repealed as statutes of the state are amended or repealed."

§ 9. State seal and commissions. There shall be a seal of the state, which shall be kept by the governor, and used by ~~him~~ the governor officially, and which shall be the great seal of Kansas. All commissions shall be issued in the name of the state of Kansas; and shall be signed by the governor, countersigned by the secretary of state, and sealed with the great seal."

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

"Explanatory statement. This amendment would update language in article 1 of the constitution of the state of Kansas, the executive article, by deleting all masculine pronouns from the article.

"A vote for this proposition would eliminate all masculine pronouns from article 1 of the constitution of the state of Kansas.

"A vote against this proposition favors retaining current constitutional provisions, which contain masculine pronouns in article 1 of the constitution of the state of Kansas."

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

year 2020, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **SB 226; HB 2133.**

Public Health and Welfare: **SB 225.**

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1719—

A RESOLUTION honoring the members and posts of the
Kansas American Legion for the 100 years of service and dedication to Kansans.

WHEREAS, For 100 years, the members and posts of the Kansas American Legion have made significant contributions through community service; and

WHEREAS, On March 15, 1919, American service members serving in the American Expeditionary Force during World War I in Paris, France, founded the American Legion as an opportunity for its members and posts to serve veterans, service members and communities; and

WHEREAS, The members and posts of the Kansas American Legion have influenced national change, won hundreds of benefits for veterans, and created many programs for children and youth; and

WHEREAS, There are over 40,000 members in more than 500 posts, units and squadrons in the Kansas American Legion; and

WHEREAS, Members and posts in Kansas promote a variety of programs that support goals of mentoring youth, advocating patriotism and honor, promoting national security and continuing devotion to fellow service members and veterans; and

WHEREAS, Recognizing the special role that the members and posts of the Kansas American Legion play in supporting Kansas veterans, the Governor of Kansas designated March 15, 2019, as Kansas American Legion Day; and

WHEREAS, There is no doubt that the members and posts of the Kansas American Legion will continue to support Kansas veterans, service members and communities for the next 100 years: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we honor the members and posts of the Kansas American Legion for the 100 years of service and dedication to Kansans; and

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

On emergency motion of Senator Braun **SR 1719** was adopted by voice vote.

Senator Hensley introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1720—

A RESOLUTION commemorating Mildred N. McCreight's 100th birthday and her lifelong dedication to her faith, family, farm and community.

WHEREAS, Mildred Naomi Brecheisen McCreight will celebrate her 100th birthday on March 16, 2019, at a party with family and friends. Four generations of her immediate family will be celebrating with her; and

WHEREAS, Mildred, commonly known as Mid to those close to her, resides in Lyndon, where she enjoys conversations with family and friends, loves to host visitors, read and stitch; and

WHEREAS, Mildred and Kenneth, her late husband of 49 years, lived and worked on the McCreight family farm. They were true partners in farming and in raising their two daughters; and

WHEREAS, On the farm, Mildred spent hours discing and cultivating, while Kenneth planted and drove the combine. She was an expert at milking cows; growing, canning and freezing garden produce; and raising and processing their own chickens. The couple made decisions about the farm together; and

WHEREAS, As a child during the Great Depression and young adult during WWII, Mildred learned self-sufficiency, evident in her work on the farm and for her family; and

WHEREAS, She is an expert at sewing and needlework, making clothes, quilts, upholstery, even awnings for the tractor. Mildred made it all, most notably Western suits for Kenneth. Her embroidery and crocheted pieces are now family keepsakes; and

WHEREAS, Mildred is well known in the Lyndon community for her culinary dishes, including her fried chicken and gravy and her renowned gooseberry pie. Those who visit with Mildred are sometimes lucky enough to hear her secrets for taming the sour fruit; and

WHEREAS, Faith will be Mildred's legacy. She remained steadfast in her faith not only in joyous times but even as she faced some of the nation's most difficult times, enduring personal pain and physical challenges; and

WHEREAS, Mildred, as the family's matriarch, will be surrounded by the love of her family and friends on her 100th birthday and for the years to come: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize Mildred Naomi Brecheisen McCreight for her 100 years of hard work and dedication to her faith, family, farm and community; and

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

On emergency motion of Senator Hensley **SR 1720** was adopted by voice vote.

CONSIDERATION OF APPOINTMENTS

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

Senator Denning moved the following appointment be confirmed as recommended by the Committee on **Public Health and Welfare**.

By the Governor

On the appointment to the:

Department of Health and Environment:

Lee Norman, serves at the pleasure of the governor

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

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

The appointment was confirmed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub SB 69, AN ACT concerning electric utilities; requiring a study of electric rates; relating to the legislative coordinating council; state corporation commission, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn.

Nays: Pyle.

Present and Passing: Francisco.

The substitute bill passed.

EXPLANATION OF VOTE

Madam President: I VOTE “AYE” on **Substitute for SB 69**. The amendment I offered to this bill failed on a voice vote. It would simply allow any customer-ratepayer of a Board of Public Utilities (or “BPU”), typically a municipally-operated utility, to write our Kansas Corporation Commission (or “KCC”) for information pertaining to any rule, charge, practice or procedure and to require the KCC to provide information to such customer (ratepayer) about whether such rule, change, practice or procedure differs and to what extent it differs for customers of electric utilities that ARE regulated by the KCC. Without such a provision, the KCKS BPU is still able to indiscriminately put policies in play (most recently, charging bills alleged from many years ago to many consumers or inflicting exorbitant, credit-based security deposits or assessing supplemental line item charges such as Payment In Lieu Of Taxes ...aka “PILOT”...and water sewer and waste collection fees, etc.) without an “apple-to-apple” comparison as to how such practices are implemented to other Kansas utilities which our KCC DOES regulate. But the underlying substitute bill bringing a study of electric rates surprisingly DOES opt to include the KCKS BPU; one of several municipal utilities chosen to be included in the study. Reflecting the multiple concerns of literally thousands of Kansas Citizens’ about our monopoly utility, hearing their concerns about elected board member’s inability to affect policies or change, I vow to continue to assist in bringing KCC access to the KCKS BPU one day. This future study, however small in its impact on us in KCKS, is but a tiny step in that direction acknowledging that ALL Kansas

utility consumers deserve a neutral and responsive response and review to patterns and practices.—DAVID HALEY

Madam President: I vote “PASS” on **Sub SB 69**, and I do that because, while I am supportive of the study of many of the issues that were identified, I am concerned that we are also asking some questions that we can already answer and are not asking for other information we may need to craft the forward-looking electric policy we desire. I am hoping that the House will carefully review the items requested in the study and help consolidate the issues so we might provide better direction to the Legislative Coordinating Council for their requests for proposals. Let’s work together to save unnecessary expenses for our Kansas ratepayers in this study as we work to save costs on future electricity bills. I hope there will be changes that would allow me to fully support a conference committee report on this bill.—MARCI FRANCISCO

SCR 1605, A PROPOSITION to amend section 1 of article 10 of the constitution of the state of Kansas; relating to reapportionment of senatorial and representative districts, was considered on final action.

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

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

The resolution was adopted.

On motion of Senator Denning, the Senate recessed to the sound of the gavel.

The Senate met pursuant to recess with Vice President Longbine in the chair.

COMMITTEE OF THE WHOLE

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

On motion of Senator Hilderbrand the following report was adopted:

SB 142 be passed.

A motion by Senator Masterson to amend **SB 142** failed and the following amendment was rejected; on page 2, following line 35, by inserting:

"New Sec. 3. (a) Each school year, the board of education of each school district shall reasonably calculate and allocate a sufficient amount of money to have students enrolled in such school district who are not meeting the goal set forth in K.S.A. 72-3218(c), and amendments thereto, achieve that goal. The board of education and the superintendent of each school district shall certify to the state board of education that:

(1) The school district budget reasonably calculates and allocates a sufficient amount of funds and resources, including, but not limited to, licensed teachers, curriculum materials and supplies and any other costs categorized in function 1000, instruction, by the state board, as published in the state department of education's Kansas accounting handbook for unified school districts, as published in March 2018,

or later versions adopted by the state board, to ensure that each student meets the goal set forth in K.S.A. 72-3218(c), and amendments thereto; and

(2) the school district has sufficient qualified personnel adequately trained to provide the curriculum established by the board of education and the school district's at-risk programs.

(b) The provisions of this section shall be effective on and after July 1, 2019.";

And by renumbering sections accordingly.

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

On roll call, the vote was: Yeas 11; Nays 29; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Braun, Estes, Hilderbrand, Masterson, Petersen, Pilcher-Cook, Pyle, Rucker, Suellentrop, Tyson.

Nays: Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kerschen, Longbine, Lynn, McGinn, Miller, Olson, Pettey, Skubal, Sykes, Taylor, Wagle, Ware, Wilborn.

A motion by Pilcher-Cook to amend **SB 142** failed.

SB 150 be amended by the adoption of the committee amendments, and the bill be passed as amended.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **SB 142** and **SB 150** were advanced to Final Action and roll call.

SB 142, AN ACT concerning education; relating to the instruction and financing thereof; making and concerning appropriations for the fiscal years ending June 30, 2020, and June 30, 2021, for the department of education; amending K.S.A. 72-5132 and repealing the existing section.

On roll call, the vote was: Yeas 32; Nays 8; Present and Passing 0; Absent or Not Voting 0.

Yeas: Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Longbine, Lynn, McGinn, Miller, Olson, Petersen, Pettey, Rucker, Skubal, Sykes, Taylor, Ware, Wilborn.

Nays: Alley, Kerschen, Masterson, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle.

The bill passed.

EXPLANATION OF VOTE

Mr. Vice President: I am voting for this bill only because I see no other way to meet the requirements placed on us by the Supreme Court. I respect the work of the education committee. I deeply regret that the plaintiffs have again attempted to change the numbers. That does not demonstrate a commitment to students. Being honest, upfront and honoring your word on **SB 142** is showing a commitment to our students. My vote is for the schools who need to be able to plan their budgets. It is my hope that this is a 4-year solution to bring stability, predictability and credibility back to our state in regard to education funding. To the plaintiffs, please note, for me this is not an opening bid but rather a final offer before turning to other constitutional legislative options.—KEVIN BRAUN

Senator Lynn requests the record to show she concurs with the "Explanation of Vote" offered by Senator Braun on **SB 142**.

Mr. Vice President: I vote "NO" on **SB 142** so that I can vote yes for more funding for mental health programs, vote yes for increased funding for our correctional facilities, increased funding for disability programs and move more people off the waiting list. I want a state water plan that protects our resources and provides water for all our farms and communities. I'd like to vote yes for higher education for lower tuition. I want to fund KPERS and let KDOT build roads and bridges. And finally, I vote no so that I don't have to vote for the tax increase that will be the result of its passage.—DAN KERSCHEN

Senators Alley, Braun, Pilcher-Cook, Suellentrop and Wagle request the record to show they concur with the "Explanation of Vote" offered by Senator Kerschen on **SB 142**.

Madam President: Today I voted yes on **SB 142** to end the years and years of litigation. I feel we have no choice. We are being held hostage by the Kansas Supreme Court. Their threats to close our schools unless we put more dollars toward education must be taken seriously.

It is sad that the rest of our budget must suffer in order to add even more money than last year. Kansas has many other important obligations; mental health, social programs, highways, pensions, water, prisons, and health care to name a few.

Last year's legislation added more dollars than our revenue can support and with this additional funding other needs of our state will continue to suffer.

The tax payers of Kansas have said they do not support additional taxes on property, sales or income and I agree.

We do not have sufficient revenue to meet our obligations.—RICK BILLINGER

SB 150, AN ACT concerning victims of domestic violence, sexual assault, human trafficking or stalking; relating to housing protections; notification requirements.

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

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

The bill passed, as amended.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Wagle moved the Senate concur in House amendments to **SB 22**.

SB 22, AN ACT concerning taxation; relating to income tax, addition and subtraction modifications, treatment of deferred foreign income, global intangible low-taxed income, business interest, capital contributions and FDIC premiums, Kansas itemized deduction, election; sales and compensating use tax, imposition of tax, nexus, remote sellers, marketplace facilitators, food and food ingredients, rates; amending K.S.A. 2018 Supp. 79-32,117, 79-32,120, 79-32,138, 79-3602, 79-3603, 79-3620, 79-3702, 79-3703 and 79-3710 and repealing the existing sections; also repealing K.S.A. 2018 Supp.

79-3221o.

On roll call, the vote was: Yeas 24; Nays 16; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Denning, Estes, Givens, Goddard, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Rucker, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Nays: Bollier, Doll, Faust-Goudeau, Francisco, Haley, Hardy, Hawk, Hensley, Holland, Miller, Pettey, Pilcher-Cook, Pyle, Skubal, Sykes, Ware.

The Senate concurred.

EXPLANATION OF VOTE

Mr. Vice President: **SB 22** as amended by the House is a catch 22 for legislators. I do not support the sales tax portion of this bill. I also do not support another tax increase on Kansans. If this bill is not signed into law, it will become yet another tax increase that Kansans will be forced to bear. This body should have had an opportunity to remove the sales tax portion from this bill. Unfortunately we do not have that opportunity before us today. The only option we now have is to either vote to concur, or to non-concur on this bill as it is amended by the House. If we vote against this bill, we will clearly be voting for yet another tax increase on the citizens of Kansas. Mr. Vice President because of this I reluctantly vote to concur with the house on **SB 22**.—

RICHARD HILDERBRAND

Mr. Vice President: Far too often, there is a focus on getting special projects passed instead of focusing on issues that are most important to the people. **SB 22** was simple, straightforward, important legislation that would ensure Kansans didn't receive an unintended tax increase as a result of the federal tax cuts passed in 2017. Now it has special interests attached. I have long supported a food sales tax reduction, but it should not be considered in a bill that is simply meant to restore what taxpayers would otherwise lose. Food sales tax reduction should be considered, but it should be considered separately. The internet sales tax should be part of a broader sales tax debate that could ultimately lower the overall sales tax rate. **SB 22** was meant to stop an unintended tax increase. It makes no sense how this is accomplished by adding a tax increase. These are the kinds of games that infuriate average Americans who follow the political process. We should keep it simple and straightforward, so the public knows exactly what battle is being fought and why, so they can weigh in and be a part of the debate. I vote "NO" on **SB 22**.—MARY PILCHER-COOK

Mr. Vice President: I vote "NO" on the motion to concur to the House amendments to **SB 22** so that I can vote YES for more funding for mental health programs, vote YES for increased funding for our correctional facilities, increased funding for disability programs and move more people off the waiting list. I want a state water plan that protects our resources and provides water for all our farms and communities. I'd like to vote YES for higher education for lower tuition. I want to fund KPERS and let KDOT build roads and bridges. And finally, I vote NO so that I don't have to vote for the tax increase that will be the result of its passage.—VIC MILLER

Senator Bollier requests the record to show she concurs with the "Explanation of Vote" offered by Senator Miller on **SB 22**.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 205** be amended on page 1, in line 11, by striking all after "administrator"; in line 12, by striking all before "of"; in line 14, by striking all after the period; in line 15, by striking "subsection (c),"; also in line 15, by striking "exclusive"; in line 17, by striking all after "thereto"; in line 18, by striking all before the period; by striking all in lines 19 through 23; and the bill be passed as amended.

Also, **SB 164; HB 2123** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Financial Institutions and Insurance** recommends **HB 2203**, as amended by House Committee, be amended on page 9, in line 35, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Also, **HB 2209** be amended on page 3, in line 16, by striking "Kansas register" and inserting "statute book"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2104**, as amended by House Committee, be passed.

Also, **SB 102; HB 2097** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Transportation** recommends **HB 2126**, as amended by House Committee, be amended on page 1, in line 18, after "ordinance" by inserting "or resolution"; and the bill be passed as amended.

Also, **HB 2127** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

CHANGE OF REFERENCE

The President withdrew **SB 225** from the Committee on **Public Health and Welfare**, and referred the bill to the Committee on **Ways and Means**.

REPORT ON ENROLLED BILLS

SCR 1606 reported correctly enrolled, properly signed and presented to the Secretary of State on March 14, 2019.

SR 1718 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 14, 2019.

On motion of Senator Denning, the Senate adjourned until 8:30 a.m., Friday, March 15, 2019.

Journal of the Senate

FORTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, March 15, 2019, 8:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 34 senators present.
Senators Doll, Longbine, Olson, Pilcher-Cook, Pyle, and Hensley were excused.
Invocation by Reverend Cecil T. Washington:

Heavenly Father, in Matthew 13:33, You give us the parable of yeast working its way completely through each lump of dough to produce the bread. You said Your Kingdom is like that. So what we produce is to really be the result of You working Your way through each of us.

The reason the dough became a nourishing loaf of bread for the family is attributed to the yeast, while the reason we become beneficial to the community is accredited to what You are doing through us. Lord, that means that doing Your work is not so much our working for You as it is our depending on Your working through us.

Give us now a good weekend and keep Your hedge of protection around us. In Jesus' name, Amen.

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SCR 1609, A CONCURRENT RESOLUTION affirming the action of the United States House of Representatives and the United States Senate in condemning the declaration of a "national emergency" by the president of the United States because the declaration is not warranted and is a grave threat to the separation of powers created by the United States Constitution, by Senator Haley.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

The following resolution was introduced and read by title:

SR 1721, A RESOLUTION affirming the action of the United States House of Representatives and the United States Senate in condemning the declaration of a "national emergency" by the president of the United States because the declaration is not warranted and is a grave threat to the separation of powers created by the United States Constitution, by Senator Haley.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **SB 230**.
Federal and State Affairs: **SB 229; SCR 1608**.
Financial Institutions and Insurance: **SB 228**.
Judiciary: **SB 227**.

MESSAGES FROM THE GOVERNOR

March 11, 2019

To the Senate of the State of Kansas

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

LAURA KELLY
Governor

Secretary, Kansas Department of Wildlife, Parks and Tourism, Brad Loveless, Lyndon, pursuant to the authority vested in me by K.S.A. 32-801 and effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor, to succeed Robin Jennison.

Secretary, Department of Children and Families, Laura Howard, Lawrence, pursuant to the authority vested in me by K.S.A. 75-5301 and effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor, to succeed Gina Meier-Hummell.

Secretary, Department for Aging and Disability Services, Laura Howard, Lawrence, pursuant to the authority vested in me by K.S.A. 75-5903 and effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor, to succeed Tim Keck.

Executive Director, Kansas Racing and Gaming Commission, Donald Brownlee, Berryton, pursuant to the authority vested in me by K.S.A. 74-8805 and effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor, to succeed himself.

REPORT ON ENROLLED BILLS

SB 17, **SB 39** reported correctly enrolled, properly signed and presented to the Governor on March 15, 2019.

SR 1719, **SR 1720** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 15, 2019.

TRIBUTES

The Committee on **Organization, Calendar, and Rules** authorizes the following tributes for the week of March 11 through March 15, 2019:

Senator Berger: celebrating Genevieve Cramer's 104th Birthday, congratulating Steve Eck on his induction into the National Junior College Athletic Association's Hall of Fame, celebrating Rusty Hilst's 50 years in broadcasting, congratulating the Hutchinson Community College Blue Dragons on 1,800 all-time wins in men's basketball;

Senator Bowers: congratulating the Plainville Citizens of the Year (Susan Stahl, Sheila Hachmeister, and Lora Weigel), congratulating Dennis and Sheri Douglas on receiving the Wood Community Service Award, congratulating Brandon Gaede on

being named the Phillips County EMS 2019 Response Officer of the Year, congratulating the Phillipsburg Chamber and Main Street Community Service Award Winners (Lizzie Gourdon, Melissa Conn, Mya McDonald, Deb Weishar, and Nicole Huntley), congratulating Charis Dunlap on receiving the Marysville Chamber of Commerce Customer Service Award, congratulating Don Landoll on receiving the Marysville Chamber of Commerce Spirit of Marysville Award, congratulating Patty Holle on receiving the Marysville Chamber of Commerce Business Beautification Award, congratulating Mary Klein on receiving the Marysville Chamber of Commerce Volunteer of the Year Award, congratulating Tami Antoine on receiving the Marysville Chamber of Commerce New Business Excellence Award, congratulating Morris Engle on receiving the Phillipsburg Chamber and Main Street Community Service Award by an Individual, congratulating Alex Shultz on receiving the Marysville Chamber of Commerce Small Business of the Year-Tier 1 Award, commending Natoma American Legion Post 109 and celebrating American Legion's 100th Anniversary, congratulating Andy Niemczyk on being named the Regional Wrestling Coach of the Year, congratulating Craig Stertz on being named the Lincoln Area Chamber of Commerce Chamber Member of the Year, congratulating Riley Padget-Cook on being named a Top Two Youth Volunteer in Kansas, congratulating Zane Colson on winning a state wrestling championship in the 152 weight division, congratulating Ginny Honomichl on her induction into the National Federations of High School Associations Hall of Fame;

Senator Braun: celebrating American Legion's 100th Anniversary;

Senator Faust-Goudeau: congratulating Max Sheets on his first year in business;

Senator Haley: celebrating Walter DePriest's 100th Birthday;

Senator Hardy: congratulatingCarolynn Phalen on being named a 2019 Master Teacher;

Senator Hawk: congratulating Dedra Braxmeyer on being named a 2019 Master Teacher;

Senator Hilderbrand: congratulating Nicole Konopelko on receiving the 2019 Kansas Student Journalist of the Year Award;

Senator McGinn: celebrating Frank Foulkes' 100th Birthday;

Senator Skubal: congratulating Linda Vena on being named a 2019 Master Teacher; and

Senator Taylor: congratulating and commending the Cederic H. Shaw American Legion Kansas Post 86 on its many years of outstanding service to Kansas veterans and the community.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Monday, March 18, 2019.

Journal of the Senate

FORTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 18, 2019, 2:30 p.m.

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

The roll was called with 39 senators present.

Senator Hensley was excused.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, we come today, once again, ready to hear from You; ready to receive Your guidance. Lord, we need to be, and we want to be, in tune with the leading of Your Spirit, Your HOLY Spirit. For Your word reveals, and all around us, life is revealing that there are ungodly spirits wanting to influence our attitudes and actions.

So Lord, as it says in Your Word in 1 John 4:1-5, we should test the spirits of the different thoughts and ideas being communicated to us. Are they from You or not? You want us to analyze the various thoughts that come to us. You want us to guard against the deceptions that are designed to weaken us and render us as ineffective instruments for good and Godly freedom. Lord Your desire is for us to be loving, fair and just in all our decisions. So, open our ears that we may hear; open our eyes that we may see; open our understanding that regardless of the source, we may distinguish Your Spirit of Truth and Justice over any spirit of lies and deception.

Let our phobia be the fear of crossing You in our judgments. Help us to run all our decisions through the grid, through the filter, through the Standard of Your Holy Word.

I thank You and praise You for hearing this prayer. In the precious Name of Jesus, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 231, AN ACT concerning state finances; relating to drug rebate revenues associated with medical assistance enrollees; deposit into the state general fund; reporting, by Committee on Ways and Means.

SB 232, AN ACT concerning adult care homes; relating to licensure; receivership; financial solvency; amending K.S.A. 39-955, 39-956, 39-957 and 39-959 and K.S.A. 2018 Supp. 39-923, 39-927, 39-931, 39-931a, 39-958, 39-960, 39-961 and 39-963 and repealing the existing sections, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committee as indicated:

Interstate Cooperation: **SCR 1609; SR 1721.**

REFERENCE OF APPOINTMENTS

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

Secretary, Department for Children and Families:

Laura Howard, to serve at the pleasure of the Governor.

(Ways and Means)

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

Secretary, Department for Aging and Disability Services:

Laura Howard, to serve at the pleasure of the Governor.

(Ways and Means)

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

Executive Director, Kansas Racing and Gaming Commission:

Donald Brownlee, to serve at the pleasure of the Governor.

(Federal and State Affairs)

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

Secretary, Department of Wildlife, Parks and Tourism:

Bradford Loveless, to serve at the pleasure of the Governor.

(Agriculture and Natural Resources)

COMMUNICATIONS FROM STATE OFFICERS

March 1, 2019

Acting Secretary, Laura Howard, submitted the Kansas Department for Children and Families report on DCF's inspections of state children's institutions and recommendation for insuring proper sanitary conditions and adequate health supervision.

March 12, 2019

Commissioner of Insurance, Vicki Schmidt, submitted the FY 2018 Annual Report of the Kansas Workers Compensation Fund.

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

REPORTS OF STANDING COMMITTEES

Committee on **Transportation** recommends **HB 2007**, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2007," as follows:

"Senate Substitute for HOUSE BILL No. 2007
By Committee on Transportation

"AN ACT concerning transportation; relating to toll projects; authorizing certain toll projects for new projects or expanded capacity; required approval from local units of government, the Kansas turnpike authority and the state finance council; changing toll project financing requirements; amending K.S.A. 68-2001, 68-2002, 68-2004, 68-2008, 68-20,120 and 68-2301 and repealing the existing sections."; and the substitute bill be passed.

Also, **HB 2246** be amended on page 1, in line 19, by striking "or" and inserting a comma; also in line 19, before "and" by inserting "section 6, section 7, section 8, section 9 or section 10,";

On page 6, following line 5, by inserting:

"New Sec. 3. (a) On and after January 1, 2020, 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 proud educator 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 Kansas educators support foundation or the presentation of the annual logo use authorization statement provided for in subsection (b).

(b) The Kansas educators support foundation may authorize the use of its proud educator 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 the Kansas educators support foundation. Any motor vehicle owner or lessee annually may apply to the Kansas educators support foundation for the use of such logo. Upon payment to either: (1) The Kansas educators support foundation 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 Kansas educators support foundation 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 Kansas educators support foundation. 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 proud educator 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 Kansas educators support foundation. If such logo use authorization statement is not presented at the time of registration or faxed by the Kansas educators support foundation, 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 Kansas educators support foundation shall:

(1) Pay the initial cost of design for license plates authorized by this section; and
(2) provide to all county treasurers a toll-free telephone number or electronic mail address where applicants can contact the Kansas educators support foundation for information concerning the application process or the status of their license plate application.

(h) The Kansas educators support foundation, 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 proud educator 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 Kansas educators support foundation 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 Kansas educators support foundation royalty fund, which is hereby created in the state treasury and shall be administered by the state treasurer. All expenditures from the Kansas educators support foundation 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 Kansas educators support foundation royalty fund shall be made on a monthly basis to the Kansas independent college's foundation, unless another designee is made by the Kansas educators support foundation.

New Sec. 4. (a) On and after January 1, 2020, 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 alpha kappa alpha 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 alpha kappa alpha or the presentation of the annual logo use authorization statement provided for in subsection (b).

(b) Alpha kappa alpha may authorize the use of 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 alpha kappa alpha. Any motor vehicle owner or lessee annually may apply to alpha kappa alpha for the use of such logo. Upon payment to either: (1) Alpha kappa alpha 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, alpha kappa alpha 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 alpha kappa alpha. 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 the alpha kappa alpha 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 either the annual logo use authorization statement provided for in subsection (b) or the payment of the logo use royalty payment as established by alpha kappa alpha. If such logo use authorization statement is not presented at the time of registration or faxed by alpha kappa alpha, 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) Alpha kappa alpha shall:

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

(2) provide to all county treasurers an electronic mail address or toll-free telephone number where applicants can call alpha kappa alpha for information concerning the application process or the status of their license plate application.

(h) Alpha kappa alpha, 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 alpha kappa alpha 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 alpha kappa alpha 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 alpha kappa alpha royalty fund, which is hereby created in the state treasury and shall be administered by the state treasurer. All expenditures from the alpha kappa alpha 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 alpha kappa alpha royalty fund to the appropriate designee of alpha kappa alpha shall be made on a monthly basis.

New Sec. 5. (a) On and after January 1, 2020, 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 knights of Columbus 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 knights of Columbus Kansas state council or the presentation of the annual logo use authorization statement provided for in subsection (b).

(b) The knights of Columbus Kansas state council may authorize the use of 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 the knights of Columbus Kansas state council. Any motor vehicle owner or lessee annually may apply to the knights of Columbus Kansas state council for the use of such logo. Upon annual application and payment to either: (1) The knights of Columbus Kansas state council 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 knights of Columbus Kansas state council 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 knights of Columbus Kansas state council. 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 the knights of Columbus 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 either the annual logo use authorization statement provided for in subsection (b) or the payment of the logo use royalty payment as established by the knights of Columbus Kansas state council. If such logo use authorization statement is not presented at the time of registration or faxed by the knights of Columbus Kansas state council, 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 knights of Columbus Kansas state council shall:

- (1) Pay the initial cost of design for license plates authorized by this section; and
- (2) provide to all county treasurers an electronic mail address or toll-free telephone number where applicants can call the knights of Columbus Kansas state council for information concerning the application process or the status of their license plate application.

(h) The knights of Columbus Kansas state council, 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 knights of Columbus 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 knights of Columbus Kansas state council 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 knights of Columbus royalty fund, which is hereby created in the state treasury and shall be administered by the state treasurer. All expenditures from the knights of Columbus 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 knights of Columbus royalty fund to the appropriate designee of the knights of Columbus Kansas state council shall be made on a monthly basis.

New Sec. 6. (a) On and after January 1, 2020, any owner or lessee of one or more passenger vehicles, trucks of a gross weight of 20,000 pounds or less or motorcycles, who is a resident of Kansas, and who submits satisfactory proof to the director of vehicles, in accordance with rules and regulations adopted by the secretary of revenue, that such person is currently serving in the United States army or has separated from the United States army and was honorably discharged or received a general discharge under honorable conditions, upon compliance with the provisions of this section, may be issued one distinctive license plate for each such passenger vehicle, truck or motorcycle designating such person as a current member or veteran of the United States army. Such license plates shall be issued for the same period of time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any person who is a current member or veteran of the United States army may make application for such distinctive license plates, not less than 60 days prior to such

person's renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for the distinctive license plates shall furnish the director with proof as the director shall require that the applicant is a current member or veteran of the United States army. Application for the registration of a passenger vehicle, truck or motorcycle and issuance of the license plates under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(c) No registration or distinctive license plate issued under the authority of this section shall be transferable to any other person.

(d) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form as provided in subsection (b). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plates to the county treasurer of such person's residence.

New Sec. 7. (a) On and after January 1, 2020, any owner or lessee of one or more passenger vehicles, trucks of a gross weight of 20,000 pounds or less or motorcycles, who is a resident of Kansas, and who submits satisfactory proof to the director of vehicles, in accordance with rules and regulations adopted by the secretary of revenue, that such person is currently serving in the United States navy or has separated from the United States navy and was honorably discharged or received a general discharge under honorable conditions, upon compliance with the provisions of this section, may be issued one distinctive license plate for each such passenger vehicle, truck or motorcycle designating such person as a current member or veteran of the United States navy. Such license plates shall be issued for the same period of time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any person who is a current member or veteran of the United States navy may make application for such distinctive license plates, not less than 60 days prior to such person's renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for the distinctive license plates shall furnish the director with proof as the director shall require that the applicant is a current member or veteran of the United States navy. Application for the registration of a passenger vehicle, truck or motorcycle and issuance of the license plates under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(c) No registration or distinctive license plate issued under the authority of this section shall be transferable to any other person.

(d) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form as provided in subsection (b). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plates to the county treasurer of such person's residence.

New Sec. 8. (a) On and after January 1, 2020, any owner or lessee of one or more

passenger vehicles, trucks of a gross weight of 20,000 pounds or less or motorcycles, who is a resident of Kansas, and who submits satisfactory proof to the director of vehicles, in accordance with rules and regulations adopted by the secretary of revenue, that such person is currently serving in the United States marine corps or has separated from the United States marine corps and was honorably discharged or received a general discharge under honorable conditions, upon compliance with the provisions of this section, may be issued one distinctive license plate for each such passenger vehicle, truck or motorcycle designating such person as a current member or veteran of the United States marine corps. Such license plates shall be issued for the same period of time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any person who is a current member or veteran of the United States marine corps may make application for such distinctive license plates, not less than 60 days prior to such person's renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for the distinctive license plates shall furnish the director with proof as the director shall require that the applicant is a current member or veteran of the United States marine corps. Application for the registration of a passenger vehicle, truck or motorcycle and issuance of the license plates under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(c) No registration or distinctive license plate issued under the authority of this section shall be transferable to any other person.

(d) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form as provided in subsection (b). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plates to the county treasurer of such person's residence.

New Sec. 9. (a) On and after January 1, 2020, any owner or lessee of one or more passenger vehicles, trucks of a gross weight of 20,000 pounds or less or motorcycles, who is a resident of Kansas, and who submits satisfactory proof to the director of vehicles, in accordance with rules and regulations adopted by the secretary of revenue, that such person is currently serving in the United States air force or has separated from the United States air force and was honorably discharged or received a general discharge under honorable conditions, upon compliance with the provisions of this section, may be issued one distinctive license plate for each such passenger vehicle, truck or motorcycle designating such person as a current member or veteran of the United States air force. Such license plates shall be issued for the same period of time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any person who is a current member or veteran of the United States air force may make application for such distinctive license plates, not less than 60 days prior to such person's renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for the distinctive license plates shall furnish the director with proof as the director shall require that the applicant is a current member or veteran of the United States air force. Application for the registration of a passenger

vehicle, truck or motorcycle and issuance of the license plates under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(c) No registration or distinctive license plate issued under the authority of this section shall be transferable to any other person.

(d) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form as provided in subsection (b). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plates to the county treasurer of such person's residence.

New Sec. 10. (a) On and after January 1, 2020, any owner or lessee of one or more passenger vehicles, trucks of a gross weight of 20,000 pounds or less or motorcycles, who is a resident of Kansas, and who submits satisfactory proof to the director of vehicles, in accordance with rules and regulations adopted by the secretary of revenue, that such person is currently serving in the United States coast guard or has separated from the United States coast guard and was honorably discharged or received a general discharge under honorable conditions, upon compliance with the provisions of this section, may be issued one distinctive license plate for each such passenger vehicle, truck or motorcycle designating such person as a current member or veteran of the United States coast guard. Such license plates shall be issued for the same period of time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any person who is a current member or veteran of the United States coast guard may make application for such distinctive license plates, not less than 60 days prior to such person's renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for the distinctive license plates shall furnish the director with proof as the director shall require that the applicant is a current member or veteran of the United States coast guard. Application for the registration of a passenger vehicle, truck or motorcycle and issuance of the license plates under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(c) No registration or distinctive license plate issued under the authority of this section shall be transferable to any other person.

(d) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form as provided in subsection (b). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plates to the county treasurer of such person's residence.

Sec. 11. K.S.A. 2018 Supp. 8-1,147 is hereby amended to read as follows: 8-1,147. In the event of the death of any person issued distinctive license plates under the provisions of K.S.A. 8-161, 8-177a, 8-177c, 8-1,139, 8-1,140, 8-1,145 or 8-1,146 or K.S.A. 2018 Supp. 8-177d, 8-1,163, 8-1,166, 8-1,185, 8-1,186, 8-1,187 ~~or~~ 8-1,188, section 6, section 7, section 8, section 9 or section 10, and amendments thereto, the

surviving spouse or other family member, if there is no surviving spouse, shall be entitled to possession of any such distinctive license plates. Such license plates shall not be displayed on any vehicle unless otherwise authorized by statute.";

Also on page 6, in line 6, by striking "and" and inserting a comma; in line 6, after "8-1,142" by inserting "and 8-1,147";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "providing for the proud educator, alpha kappa alpha, knights of Columbus and current and veteran members of the United States army, navy, marine corps, air force and coast guard license plates;"; also in line 3, by striking "and" and inserting a comma; in line 4, after "1,142" by inserting "and 8-1,147"; and the bill be passed as amended.

Also, Committee on **Transportation** begs leave to submit the following report:

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

By the Governor:

Secretary, Department of Transportation: K.S.A. 75-5001

Julie Lorenz, serves at the pleasure of the governor.

Committee on **Ways and Means** recommends **SB 210** be passed.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Tuesday, March 19, 2019.

Journal of the Senate

FORTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 19, 2019, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 39 senators present.

Senator Hensley was excused.

The President introduced Reverend, Dr. Ed Farris, Heartland Hospice Care in Topeka and guest of Senator Denning, who delivered the invocation:

We come before You, Father God, and give You thanks for life and the blessing of living. As we look throughout our State of Kansas, seeing the needs and hurts of people in so many different areas, let us follow the words and advice of the prophet Jeremiah: "Let not the wise man boast of his wisdom, or the strong man boast of his strength or the rich man boast of his riches but let him who boasts boast about this: that he understands and knows that I am the LORD who exercises kindness, justice and righteousness on earth, for in these I delight declares the LORD."

There are many extremely important issues coming before this decision-making body that have to be dealt with. May Your wisdom and guidance direct our path. We depend on Your guidance in all our decision-making as we echo the words of Amos the Prophet, "Let justice roll on like a river, righteousness like a never-failing stream."

In the name of Your Son, Jesus, Amen.

The Pledge of Allegiance was led by President Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committee as indicated:

Public Health and Welfare: **SB 231, SB 232.**

MESSAGES FROM THE GOVERNOR

March 18, 2019

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Directive No. 19-500.

Laura Kelly
Governor

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

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2188**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2188 was thereupon introduced and read by title.

On motion of Senator Denning, the Senate recessed to the sound of the gavel.

The Senate met pursuant to recess with Vice President Jeff Longbine in the Chair.

COMMITTEE OF THE WHOLE

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

On motion of Senator Billinger the following report was adopted:

SB 125 be passed.

SB 135 be amended by the adoption of the committee amendments, and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2215** be passed.

Also, **HB 2085**, as amended by House Committee, be amended on page 1, following line 5, by inserting:

"Section 1. K.S.A. 65-163i is hereby amended to read as follows: 65-163i. (a) Municipalities ~~which that~~ desire the provision of a loan under this act shall submit an application therefor to the secretary. Applications shall be in such form and shall include such information as the secretary shall require and shall be submitted in a manner and at a time to be determined by the secretary.

(b) The secretary may enter into agreements with any municipality for the provision of a loan thereto for payment of all or a part of project costs and any municipality may enter into such an agreement and may accept such loan when so authorized by the municipal governing body. The purposes of the loan to be provided, the amount thereof, the interest rate thereon and the repayment terms and conditions thereof, all of which may vary among municipalities, shall be included in the agreements. Loans shall be provided at or below market interest rates. All such agreements with municipalities shall require that municipalities establish a dedicated source of revenue for repayment of the loans as provided in K.S.A. 65-163j, and amendments thereto. Such agreements shall further provide that repayment of any loan received shall begin not later than one year after completion of the project and that such loan shall be repaid in full no later than ~~20~~ 40 years thereafter.

(c) If a municipality to which a loan is made available under this act fails to enter into an agreement with the secretary for the provision of such loan in accordance with the requirements of this act, the secretary may make the amount of the loan available for one or more other projects on the priority list.

(d) The secretary shall provide any municipality, upon request, with technical

advice and assistance regarding a project or an application for a loan for the payment of all or part of project costs.";

On page 2, in line 9, before "K.S.A" by inserting "K.S.A. 65-163i and"; also in line 9, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; in line 2, by striking all before the second semicolon and inserting "water; relating to public water supply systems; municipal loans; reinstatement of rural water district benefit units"; also in line 2, after "amending" by inserting "K.S.A. 65-163i and"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **HB 2101**, as amended by House Committee, be passed.

Also, **HB 2177** be amended on page 1, in line 6, before "Section" by inserting "New";

On page 2, following line 41, by inserting:

"Sec. 2. K.S.A. 2018 Supp. 40-2c01 is hereby amended to read as follows: 40-2c01. As used in this act:

(a) "Adjusted RBC report" means an RBC report which has been adjusted by the commissioner in accordance with K.S.A. 40-2c04, and amendments thereto.

(b) "Corrective order" means an order issued by the commissioner specifying corrective actions which the commissioner has determined are required to address an RBC level event.

(c) "Domestic insurer" means any insurance company or risk retention group which is licensed and organized in this state.

(d) "Foreign insurer" means any insurance company or risk retention group not domiciled in this state which is licensed or registered to do business in this state pursuant to article 41 of chapter 40 of the Kansas Statutes Annotated or K.S.A. 40-209, and amendments thereto.

(e) "NAIC" means the national association of insurance commissioners.

(f) "Life and health insurer" means any insurance company licensed under article 4 or 5 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or a licensed property and casualty insurer writing only accident and health insurance.

(g) "Property and casualty insurer" means any insurance company licensed under articles 9, 10, 11, 12, 12a, 15 or 16 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, but shall not include monoline mortgage guaranty insurers, financial guaranty insurers and title insurers.

(h) "Negative trend" means, with respect to a life and health insurer, a negative trend over a period of time, as determined in accordance with the "trend test calculation" included in the RBC instructions defined in subsection (j).

(i) "RBC" means risk-based capital.

(j) "RBC instructions" means the risk-based capital instructions promulgated by the NAIC, which are in effect on December 31, ~~2017~~ 2018, or any later version promulgated by the NAIC as may be adopted by the commissioner under K.S.A. 2018 Supp. 40-2c29, and amendments thereto.

(k) "RBC level" means an insurer's company action level RBC, regulatory action level RBC, authorized control level RBC, or mandatory control level RBC where:

(1) "Company action level RBC" means, with respect to any insurer, the product of

2.0 and its authorized control level RBC;

(2) "regulatory action level RBC" means the product of 1.5 and its authorized control level RBC;

(3) "authorized control level RBC" means the number determined under the risk-based capital formula in accordance with the RBC instructions; and

(4) "mandatory control level RBC" means the product of 0.70 and the authorized control level RBC.

(l) "RBC plan" means a comprehensive financial plan containing the elements specified in K.S.A. 40-2c06, and amendments thereto. If the commissioner rejects the RBC plan, and it is revised by the insurer, with or without the commissioner's recommendation, the plan shall be called the "revised RBC plan."

(m) "RBC report" means the report required by K.S.A. 40-2c02, and amendments thereto.

(n) "Total adjusted capital" means the sum of:

(1) An insurer's capital and surplus or surplus only if a mutual insurer; and

(2) such other items, if any, as the RBC instructions may provide.

(o) "Commissioner" means the commissioner of insurance.

Sec. 3. K.S.A. 2018 Supp. 40-2c01 is hereby repealed.;

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "life"; in line 2, by striking "pertaining to the"; in line 3, by striking "indexed product reserves" and inserting "risk-based capital requirements; version of instructions in effect; amending K.S.A. 2018 Supp. 40-2c01 and repealing the existing section"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2178**, as amended by House Committee, be amended on page 4, following line 14, by inserting:

"Sec. 2. K.S.A. 66-1805 is hereby amended to read as follows: 66-1805. (a) This act recognizes the establishment of a single notification center for the state of Kansas. Each operator who has an underground facility shall become a member of the notification center.

(b) For operators of tier 1 facilities or operators of tier 2 facilities that desire notification in the same manner as operators of tier 1 facilities, the notification center shall provide prompt notice of any proposed excavation to each affected operator that has facilities recorded with the notification center in the area of a proposed excavation site.

(c) For operators of tier 2 facilities that desire direct contact with the excavator, the notification center shall provide the excavator with the name and contact information of the affected operator that has facilities recorded with the notification center in the area of the proposed excavation.

(d) Notification to operators as defined in subsection (b) shall be given by notifying the notification center by telephone at the toll free number or by other communication methods approved by the notification center. The content of such notification shall be as required by K.S.A. 66-1804, and amendments thereto.

(e) Notification to operators as defined in subsection (c) may be given by notifying the operator of tier 2 facilities using the contact information provided by the notification center. The content of such notification shall be as required by K.S.A. 66-1804, and amendments thereto.

(f) Each operator who has an underground facility within the state shall be afforded

the opportunity to become a member of the notification center on the same terms as the original members.

(g) A suitable record shall be maintained by the notification center to document the receipt of notices from excavators as required by this act.

(h) A suitable record shall be maintained by operators of tier 2 facilities that desire direct contact with the excavator pursuant to subsection (c) to document the receipt of notices from excavators.

(i) The notification center shall charge and collect an annual membership fee in the amount of \$25 from each tier 2 facility member.

(j) The notification center shall charge a referral fee to tier 2 facility members in an amount no more than 50% of the referral fee rate charged to tier 1 facility members.

(k) Upon request of the operator, the person filing the notice of intent to excavate shall whitenline the proposed excavation site prior to locates being performed.

(l) The notification center established pursuant to this section shall be and is hereby deemed to be a public agency and shall be subject to the provisions of the open records act, K.S.A. 45-215 et seq., and amendments thereto, and the open meetings act, K.S.A. 75-4317 et seq., and amendments thereto, except that the notification center or board of directors, or successor managing organization shall not disseminate, make available or otherwise distribute data or information provided by an operator of a tier 1, 2 or 3 facility unless such dissemination, making available or distributing is necessary for the state corporation commission or the notification center to carry out legal duties or specific statutory duties prescribed under this chapter.

(m) On and after July 1, 2009, the notification center's board of directors shall include two members from tier 2 facilities and ~~+~~ one member from tier 3 facilities.

(n) The notification center shall prepare an annual report which describes the activities of such center. An annual audit of the notification center shall be conducted by an independent certified public accountant. The notification center shall provide copies of such reports to each member of the notification center and shall be subject to the open records act, K.S.A. 45-215 et seq., and amendments thereto.

(o) The notification center shall solicit proposals for operation of the notification center not more than every five years which shall be awarded in an open meeting by the board of directors of the notification center. The bidding process prescribed by this subsection shall be subject to the open records act, K.S.A. 45-215 et seq., and amendments thereto.

(p) The notification center shall conduct a cost of service audit not more than every five years or as otherwise requested by the board of directors of the notification center or a majority of the members of such center.

(q) On and after July 1, 2019, the notification center shall notify any person or excavator requesting identification of the location of underground facilities that utilities are only required to identify the location of utility-owned facilities and are not required to identify the location of privately owned facilities.;

On page 5, in line 33, after "66-1802" by inserting ", 66-1805";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "66-1802" by inserting ", 66-1805"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2103** be passed.

Also, **HB 2201** be passed and, because the committee is of the opinion that the bill is

of a noncontroversial nature, be placed on the consent calendar.

Committee on **Ways and Means** recommends **SB 75** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 75," as follows:

"Substitute for SENATE BILL No. 75

By Committee on Ways and Means

"AN ACT making and concerning appropriations for fiscal years ending June 30, 2019, June 30, 2020, June 30, 2021, and June 30, 2022, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 74-50,107 and 74-99b34 and K.S.A. 2018 Supp. 2-223, 12-1775a, 12-5256, 55-193, 75-2263, 76-775, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,171, 79-4804 and 82a-953a and repealing the existing sections.";

And the substitute bill be passed.

REPORT ON ENROLLED BILLS

SB 22 reported correctly enrolled, properly signed and presented to the Governor on March 19, 2019.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Wednesday, March 20, 2019.

Journal of the Senate

FORTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 20, 2019, 2:30 p.m.

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

Heavenly Father, in Genesis 1:14, as You were preparing a place for our existence, You said “Let there be light.” The power of Your Word, spoke our sun, moon and stars into existence. Their combined responsibility was to rule the light of day and the dark of night; to mark the days and years, and to oversee the seasons.

On this day, You’ve blessed us to see the spring of a new season. And we look forward, desiring fresh and new light for the tasks ahead. James 1:17 reveals that You’re the “Father of Lights.” Wisdom or enlightenment that is pure originates with You. While in John 8:44, we see in opposition, there is a “father of lies;” a spirit determined to lead us into darkness. But, Lord, as the beginning of spring anticipates a season of new growth, we anticipate a new season of Your blessings.

During the days, weeks and months ahead, revive the perennials of good character traits. Plant within us new seeds of unity; unity in our homes, in our communities and in our work places. Prune us and clear out any weeds that would hinder productivity. Help us to harvest a new and abundant crop of faith in You, hope for the future and love for one another.

I present this prayer as it springs from a heart of love, dedicated to Your purposes, in Jesus Name. Amen!

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill and Senate Resolution were introduced and read by title:

SB 233, AN ACT concerning industrial hemp; establishing a commercial industrial hemp program; amending K.S.A. 65-4101, 65-4105 and K.S.A. 2018 Supp. 2-3901, 2-3902, 2-3903, 21-5701 and 21-5702 and repealing the existing sections; also repealing K.S.A. 65-4101c and 65-4101b and K.S.A. 2018 Supp. 21-5701a, by Committee on Ways and Means.

SR 1731, A RESOLUTION calling for the immediate resignation of District Judge Jeffrey Jack of the 11th Judicial District, by Senators Pyle, Olson, Hilderbrand, Alley, Baumgardner, Braun, Denning, Estes, Lynn, Masterson, Pilcher-Cook, Suellentrop and Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Ethics, Elections and Local Government: **HB 2188**.

MESSAGE FROM THE HOUSE

Announcing passage of **SB 40, SB 41, SB 59**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Faust-Goudeau introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1723—

A RESOLUTION recognizing Storytime Village, Inc., for its work
in giving young Kansas children the opportunity
for a better future through its literacy programs.

WHEREAS, According to the Annie E. Casey Foundation, children who are proficient in reading by the end of third grade are more likely to graduate from high school and be economically successful in adulthood; and

WHEREAS, 57% of Caucasian, 72% of Hispanic and 83% of African-American fourth graders in Kansas scored below the "proficient" reading level in a 2017 study conducted by the National Assessment for Educational Progress (NAEP); and

WHEREAS, Many underserved populations in Kansas are lacking the quality literacy skills essential for future success in school and life; and

WHEREAS, Storytime Village, Inc., under the leadership of Director Prisca Barnes, has been working since 2009 to help Kansas children, beginning at birth through age eight, thrive in partnerships that provide early childhood development, family engagement involving reading and access to books; and

WHEREAS, With the support of parents and the help of many dedicated volunteers, Storytime Village, Inc., inspires children, regardless of their socio-economic background, race or gender, to read by providing them free books and literacy resources; and

WHEREAS, In 2016, Storytime Village, Inc., launched their Literacy Champions program, a high school leadership program that empowers and inspires students to volunteer and gain leadership skills as they impact the literacy issue in their communities; and

WHEREAS, March 20, 2019, is designated as the 5th Literacy Day at the Capitol, which will focus on addressing the literacy gap in Kansas by mobilizing high school students to raise their voices through meetings with legislators, panel discussions and an advocacy workshop, with the theme: "Why Reading Matters": Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize Storytime Village, Inc., for its work in giving young Kansas children the opportunity for a better future through its literacy programs; and

Be it further resolved: That the Secretary of the Senate shall send enrolled copies of this resolution to Prisca Barnes, Wakeelah Martinez and Senator Faust-Goudeau.

On emergency motion of Senator Faust-Goudeau **SR 1723** was adopted by voice vote.

Senator Faust Goudeau rose on a point of personal privilege to honor Literacy Day at the Capitol and introduced the following guests: Prisca Barnes, Founder and CEO-Storytime Village; Kenya Cox, Executive Director-KAAAC; Wakeelah Martinez, Education Program Coordinator-Storytime Village; Carol Hazen, Kansas Reading Roadmap; Sonali Bhakta, Kansas Literacy Champion-2019 Outstanding Literacy Advocate; Vincent Ransom, South High School Literacy Champion; Perla Navarrete, Heights High School Literacy Champion; Darryl Carrington; Jonathon Westbrook, KAAAC; Rev. Bobby Love, KAAAC; Daphne Maxwell, KAAAC; and Miss Burkholter.

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

SENATE RESOLUTION No. 1722—

A RESOLUTION commending the Buhler High School girls bowling team for winning the 2019 Kansas State High School Activities Association (KSHSAA) Class 5-1A State Bowling Championship.

WHEREAS, The 2019 Buhler High School girls bowling team roster includes Mary Chambers, Mallory Cross, McKinley Cross, Alyssa Herl, Adria Huiett, Jaiden Montandon and Sidney Ropp, with Emily Morton as manager; and

WHEREAS, The 2019 Buhler High School girls bowling team is staffed by head coach Skip Wilson and assistant coach Terry Story; and

WHEREAS, On February 28, 2019, the Buhler Crusaders competed in the Kansas State High School Activities Association (KSHSAA) Class 5-1A State Bowling Championship, emerging triumphant as state champions for the second time in school history. The Crusader girls bowling team won their first state team title in 2012; and

WHEREAS, The Crusaders were the only high school in the Class 5-1A Championship with four girls recognized as top-20 individual finishers. Montandon finished fourth with a series score of 562, Herl finished 14th with a series score of 532, Cross finished 18th with a series score of 514 and Chambers tied for 20th with a series score of 507: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commend the Buhler High School girls bowling team for winning the 2019 Kansas State High School Activities Association Class 5-1A State Bowling Championship. The Crusaders exemplify what teamwork, dedication and perseverance can accomplish. We applaud them for their victories and wish them continued success and happiness in the future; and

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

On emergency motion of Senator Berger **SR 1722** was adopted by voice vote.

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

SENATE RESOLUTION No. 1725—

A RESOLUTION recognizing and acknowledging the contributions of Altrusa International in Salina.

WHEREAS, Altrusa International, which was founded in 1917 to make communities better through leadership, partnership and service, proudly moves forward into the 21st

century with the tagline of "Leading to a Better Community"; and

WHEREAS, The history of Altrusa is a remarkable tale of a pioneering organization for businesswomen that became the first women's classified service club. Altrusa later adjusted to the changing times and opened membership to all regardless of gender; and

WHEREAS, The Altrusa emblem displays the words "Patriotism, Efficiency, Service" encircling the western hemisphere, and serves as a subtle reminder of expected performance. In defining "patriotism," the founders directed each Altrusan to "be good citizens of the world." It was a courageous stand in a time of isolationist thinking; and

WHEREAS, Altrusa first organized a service club in Salina in 1943. That club was chartered in 1944, and is now known as Altrusa International of Salina, KS, Inc.; and

WHEREAS, The Salina club is celebrating its 75th anniversary this year; and

WHEREAS, In its 75 years, Altrusa International of Salina, KS, Inc., has performed many hours of service for Salina, and continues to efficiently provide community service, especially in the area of literacy: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize and acknowledge the extensive and continuous work accomplished in our state by Altrusa International of Salina, KS, Inc. for the past 75 years; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Hardy.

On emergency motion of Senator Hardy **SR 1725** was adopted by voice vote.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 125, AN ACT concerning economic development; relating to rural opportunity zones; extending the time period for eligibility in the loan repayment program and the income tax credit; amending K.S.A. 74-50,223 and K.S.A. 2018 Supp. 79-32,267 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 29; Nays 11; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Denning, Doll, Estes, Givens, Goddard, Hardy, Hawk, Hensley, Hilderbrand, Kerschen, Longbine, Lynn, Miller, Olson, Petersen, Pyle, Rucker, Skubal, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Nays: Bollier, Faust-Goudeau, Francisco, Haley, Holland, Masterson, McGinn, Pettey, Pilcher-Cook, Sykes, Ware.

The bill passed.

EXPLANATION OF VOTE

Mr. Vice President: I vote "NO" on **SB 125** AND "NO" on **SB 135**. During the discussion of Rural Opportunity Zones (ROZ) sunset extension dates and expansion to additional counties, the legislature was careful to underscore ongoing support both from the inception of this concept (2011) and later during the addition for more Kansas counties to avail themselves of "ROZ" benefits. In the words of the late Kansas Representative Ted Powers (R-Mulvane) when using a famous quote from Shakespeare's *Macbeth* to subtly complain about repetitious legislation of growing dubious origin or statewide benefit, now: "THRICE the brinded cat hath mew'd," Mr. Vice President. Here we are in the Legislature again, now for the THIRD time, uncertain of what benefit other than population stabilization is conferred to Kansas for a

substantial fiscal note through generous tax and loan forgiveness policies. We should not be picking winners and losers between our Kansas counties. We don't even clearly define "rural" or "opportunity" in these enabling legislations. We have always supported economic development in every corner of Kansas. But here, this once promising "cat," scarred now with no accountability or benefit, appears yet again, for a third time mewling to be fed; to live longer and grow to be an even larger "beast." But enough now is enough. —DAVID HALEY

Senator Bollier requests the record to show she concurs with the "Explanation of Vote" offered by Senator Haley on **SB 125**.

Mr. Vice President – I vote "NO" on **SB 125**. I am supportive of rural revitalization, and I know that the state is looking for effective ways to accomplish this, especially as we have a new administration and a new Lieutenant Governor who have made this a major priority. However only after an evaluation of the Rural Opportunity Zone program will we learn if or how it might fit into the strategic plan for our new Office of Rural Prosperity. I believe it would be important to have such an evaluation before we extend this program through 2026. I am hoping that we create a robust program that includes expanding local food production, rural health care, broadband, historic preservation, arts programming, and public radio along with any appropriate tax incentives to encourage people to become part of our rural Kansas communities.—MARCI FRANCISCO

Senators Bollier, Pettey and Ware request the record to show they concur with the "Explanation of Vote" offered by Senator Francisco on **SB 125**.

SB 135, AN ACT concerning rural opportunity zones; relating to eligible counties; amending K.S.A. 74-50,222 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 30; Nays 8; Present and Passing 2; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Doll, Estes, Faust-Goudeau, Givens, Goddard, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Miller, Olson, Petersen, Pettey, Pyle, Rucker, Skubal, Suellentrop, Tyson, Wagle, Wilborn.

Nays: Bollier, Denning, Haley, Masterson, McGinn, Pilcher-Cook, Sykes, Taylor.

Present and Passing: Francisco, Ware.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: I vote "NO" on **SB 125** AND "NO" on **SB 135**. During the discussion of Rural Opportunity Zones (ROZ) sunset extension dates and expansion to additional counties, the legislature was careful to underscore ongoing support both from the inception of this concept (2011) and later during the addition for more Kansas counties to avail themselves of "ROZ" benefits. In the words of the late Kansas Representative Ted Powers (R-Mulvane) when using a famous quote from Shakespeare's Macbeth to subtly complain about repetitious legislation of growing dubious origin or statewide benefit, now: "THRICE the brinded cat hath mew'd," Mr. Vice President. Here we are in the Legislature again, now for the THIRD time, uncertain of what benefit other than population stabilization is conferred to Kansas for a

substantial fiscal note through generous tax and loan forgiveness policies. We should not be picking winners and losers between our Kansas counties. We don't even clearly define "rural" or "opportunity" in these enabling legislations. We have always supported economic development in every corner of Kansas. But here, this once promising "cat," scarred now with no accountability or benefit, appears yet again, for a third time mewling to be fed; to live longer and grow to be an even larger "beast." But enough now is enough. —DAVID HALEY

Senator Bollier requests the record to show she concurs with the "Explanation of Vote" offered by Senator Haley on **SB 135**.

MESSAGE FROM THE GOVERNOR

March 20, 2019

Message to the Senate of the State of Kansas

Enclosed is Executive Order 19-04 for your information.

LAURA KELLY
Governor

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

COMMITTEE OF THE WHOLE

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

On motion of Senator Wilborn the following report was adopted:

SB 178 be amended by motion of Senator Suellentrop; on page 47, following line 19, by inserting:

"New Sec. 3. (a) For any legislative enactment establishing an exemption from the Kansas retailers' sales tax on or after January 1, 2020, such enactment shall either: (1) Repeal an existing exemption with an equal or greater fiscal liability to the state; or (2) suspend an existing exemption with an equal or greater fiscal liability to the state for the duration of time that the enacted exemption is to remain in effect.

(b) The provisions of this section shall be a part of and supplemental to the Kansas retailers' sales tax act.;"

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the semicolon by inserting "requirements of new exemptions;"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

HB 2126, HB 2209 be amended by the adoption of the committee amendments, and the bills be passed as amended.

MESSAGES FROM THE GOVERNOR

SB 17, SB 39 approved on March 20, 2019.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** begs leave to submit the following report:

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

By the Governor:

Secretary, Department of Revenue: K.S.A. 75-5101

Mark Burghart, serves at the pleasure of the governor.

Committee on **Financial Institutions and Insurance** recommends **HB 2143** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2143," as follows:

"Senate Substitute for HOUSE BILL No. 2143

By Committee on Financial Institutions and Insurance

"AN ACT concerning healthcare benefits; relating to association health plans; non-insurance healthcare benefits coverage; jurisdiction of the commissioner; updating requirements terminology and references related thereto; amending K.S.A. 40-2209b and 40-2209e and K.S.A. 2018 Supp. 40-2209, 40-2209d, 40-2222, 40-2222a and 40-2222b and repealing the existing sections."; and the substitute bill be passed.

Committee on **Transportation** recommends **HB 2214** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2214," as follows:

"Senate Substitute for HOUSE BILL No. 2214

By Committee on Transportation

"AN ACT concerning motor vehicles; relating to registration fees; electric and hybrid vehicles; amending K.S.A. 2018 Supp. 8-143 and repealing the existing section."; and the substitute bill be passed.

On motion of Senator Denning, the Senate adjourned until 2:30 p.m., Thursday, March 21, 2019.

Journal of the Senate

FORTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 21, 2019, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 40 senators present.

Invocation by Reverend Cecil T. Washington:

Lord, it was March 21, 1960, when police in Sharpeville, South Africa, fired their guns, killing 69 people, because they were protesting the racially discriminating laws of apartheid. As a result, six years later, the United Nations declared March 21st to be observed annually, as “International Day for the Elimination of Racism.” Lord, let it become a daily observance for us.

You said in Genesis 9:5-7, that different from other forms of life, You created us as human beings, created in Your image and in Your likeness...created to be Your children with Your DNA.

You showed the Apostle Peter, in Acts 10:28-29, that it was wrong for him to be representing You, while at the same time looking down on and refusing to associate with people who are racially different. And after Peter learned the lesson, in verses 34-36, he said he understood that You don’t play favorites, but whoever respects You and practices righteousness is accepted by You regardless of their ethnicity.

For You made it clear in Acts 17:26, that You did all this, from the blood of one human being, You made all the nations that dwell on Earth, and You decided when and where every nation would be.

So, Lord, remind us that we’re all just distant cousins, born from the same original parents. And since we’re created in Your image, help us to start portraying Your image. Let the work we do flow from hearts void of racial discrimination, displaying love, mercy and righteousness. Teach us to love one another as brothers. In the Name of Him Who Loved Us To Death, Amen.

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 234, AN ACT concerning controlled substances; relating to prescriptions therefor; requiring electronic prescriptions for controlled substances, by Committee on Federal and State Affairs.

SB 235, AN ACT concerning education; relating to the statewide levy; homestead exemption; capital improvement state aid demand transfer; amending K.S.A. 72-5142 and 72-5462 and K.S.A. 2018 Supp. 79-201x and repealing the existing sections, by

Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Agriculture and Natural Resources: **SB 233**.

MESSAGES FROM THE GOVERNOR

March 18, 2019

To the Senate of the State of Kansas

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

LAURA KELLY
Governor

Secretary, Kansas Department of Agriculture, Mike Beam, Topeka, pursuant to the authority vested in me by K.S.A. 74-560 and effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor, to succeed Jackie McClaskey.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1724—

A RESOLUTION congratulating and commending the 2019 Kansas Master Teachers.

WHEREAS, Seven of Kansas' best teachers have been selected as Kansas Master Teachers for 2019. These seven outstanding educators will be honored on Wednesday, April 3, with a day of receptions, seminars and tours at the sponsoring institution, Emporia State University; and

WHEREAS, Local teacher associations, educational organizations and school faculties nominate candidates for the awards. A committee representing educational organizations from across Kansas selected the 2019 winners; and

WHEREAS, The 2019 Kansas Master Teachers are: Paula Barr, a second-grade teacher at Quail Run Elementary School in Lawrence; Dedra Braxmeyer, a mathematics teacher at Manhattan High School in Manhattan; Laura Gaughan, an elementary reading specialist at O'Loughlin Elementary School in Hays; Michelle Hilliard, a mathematics teacher at Complete High School in Maize; Lisa Jarvis, language arts teacher at Council Grove Junior-Senior High School in Council Grove;Carolynn Phalen, first-grade teacher at Grace E. Stewart Elementary School in Salina; and Linda Vena, elementary reading specialist at Mission Trail Elementary School in Leawood; and

WHEREAS, Emporia State University established the Kansas Master Teacher Awards in 1954. The awards are presented annually to teachers who have served the profession long and well and who also exemplify the outstanding qualities of earnest and conscientious teachers; and

WHEREAS, Since 1980, Bank of America has pledged more than \$100,000 to permanently endow the Kansas Master Teacher Awards. In 1984, the Black family of

Broken Arrow, Oklahoma, established an endowed chair for Kansas Master Teachers. The fund provides a stipend to bring two Master Teachers to Emporia State University for part of a semester where they present to classes of education students; and

WHEREAS, The members of the Kansas Senate recognize the invaluable contributions of great teachers such as those being honored today. These 2019 Master Teachers serve as mentors and role models and lay the groundwork for the best educators of tomorrow. They go above and beyond what is expected and offer inspiration, as well as instruction. They teach with heart and soul, and by giving the best of themselves, they encourage students to give their best in return: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the 2019 Kansas Master Teachers for demonstrating excellence in their profession and devotion to the children of Kansas; and

Be it further resolved: That we offer heartfelt thanks to these extraordinary educators who face so many challenges in the classroom each day, yet persevere, choosing the satisfaction of doing their best and overcoming the frustrations inherent in their jobs, and we extend our best wishes for their continued success and happiness; and

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

On emergency motion of Senator Longbine **SR 1724** was adopted by voice vote.

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

SENATE RESOLUTION No. 1726—

A RESOLUTION recognizing World Down Syndrome Day in Kansas.

WHEREAS, World Down Syndrome Day is celebrated on March 21, 2019; and

WHEREAS, In 2006, World Down Syndrome Day was observed for the first time by many nations across the globe; and

WHEREAS, On December 19, 2011, the United Nations General Assembly designated March 21 as World Down Syndrome Day to raise public awareness on Down syndrome. The third month and its 21st day were chosen to symbolize the triplication or trisomy of the 21st chromosome; and

WHEREAS, Down syndrome is the most common irregular chromosomal condition. According to the Centers for Disease Control and Prevention (CDC), approximately 6,000 infants, or 1 in 700, are born annually with Down syndrome in the United States; and

WHEREAS, While Down syndrome is a lifelong condition, the CDC reports that when infants and children are offered intervention services early in life, they are often able to improve their physical and intellectual abilities. These services are typically offered across the nation and may include speech therapy, physical therapy and occupational therapy; and

WHEREAS, Known Down syndrome organizations in Kansas include the Down Syndrome Guild of Greater Kansas City, the Down Syndrome Society of Wichita, the North Central Kansas Down Syndrome Society, the Northwest Kansas Down Syndrome

Society, the Southeast Down Syndrome Society and Team Up for Down Syndrome. These estimable organizations are committed to raising public awareness and providing aid and empowering individuals and families of individuals with Down syndrome: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize March 21, 2019, as World Down Syndrome Day in Kansas; and

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

On emergency motion of Senator Bowers **SR 1726** was adopted by voice vote.

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

SENATE RESOLUTION No. 1727—

A RESOLUTION recognizing the Boys & Girls Clubs of Kansas for the outstanding services they provide to young people and their families.

WHEREAS, The Boys & Girls Clubs of Kansas make valuable contributions to the young people of Kansas; and

WHEREAS, There are currently 40 Boys & Girls Club locations across Kansas that serve approximately 28,000 of our state's youth; and

WHEREAS, Boys & Girls Clubs provide programs and services to inspire all young people, especially those from disadvantaged backgrounds, to realize their full potential as productive, responsible and caring citizens; and

WHEREAS, Through strong, proven development programs, leaders in the Boys & Girls Clubs stress character and leadership development, education and career advancement, and health and life skills; and

WHEREAS, These programs are designed to foster better self-image, improve education, and increase social, emotional, and cultural awareness, while encouraging community involvement, strong moral values and life management skills. Additionally, they address a wide range of interests, including sports, fitness, recreation and the arts; and

WHEREAS, Over the years, Boys & Girls Clubs have and continue to encourage young people to aspire to the highest level of personal development and become good citizens who are actively involved in their communities: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the Boys & Girls Clubs of Kansas for the outstanding services they provide to young people and their families; and

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

On emergency motion of Senator Berger **SR 1727** was adopted by voice vote.

Senator Masterson, on behalf of Senator Estes, introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1728—

A RESOLUTION recognizing Military Appreciation Day at the Kansas Capitol.

WHEREAS, Today, March 21, 2019, is Military Appreciation Day at the Kansas Capitol; and

WHEREAS, The State of Kansas has a proud history of supporting the United States Military since before the Civil War; and

WHEREAS, The State of Kansas has the honor of being the home to Fort Leavenworth, Fort Riley and McConnell Air Force Base; and

WHEREAS, Fort Leavenworth is home to the U.S. Army Combined Arms Center, whose primary mission is preparing the Army and its leaders for war. At present, this mission is divided between preparing the Army for the Global War on Terrorism and transforming it to meet future threats; and

WHEREAS, Fort Riley is the home of the 1st Infantry Division, known as The Big Red One, which received numerous prestigious military decorations, including, but not limited to, Meritorious Unit Commendations and the Army Superior Unit Award and has received commendations from the countries of France, Belgium, and Republic of Vietnam; and

WHEREAS, McConnell Air Force Base is the home to Air Mobility Command's 22nd Air Refueling Wing, Air Force Reserves Command's 931st Air Refueling Wing and the Kansas Air National Guard's 184th Intelligence Wing; and

WHEREAS, The Kansas Army and Air National Guard has both a state and federal mission and has served in the nation's conflicts since the state's inception as a territory. As citizen-soldiers and airmen work, they live in their communities and support their communities by responding to tornadoes, floods, blizzards, wildfires and other natural disasters; and

WHEREAS, The State of Kansas is honored to be the home of more than 200,000 American military veterans according to the Housing Assistance Council: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize Military Appreciation Day at the Kansas Capitol; and

Be it further resolved: That we declare that the State of Kansas is honored to host our military veterans on this day and to be the home state to so many members and veterans of America's armed forces; and

Be it further resolved: That the Secretary of the Senate shall send enrolled copies of this resolution to the commander of the 1st Infantry Division at Fort Riley, 22nd Air Refueling Wing at McConnell Air Force Base, the Combined Arms Center at Fort Leavenworth, the Adjutant General of the Kansas National Guard and Senator Estes.

On emergency motion of Senator Masterson **SR 1728** was adopted by voice vote.

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

SENATE RESOLUTION No. 1729—

A RESOLUTION requesting the federal government address water quality issues in the Arkansas River Basin in Southeast Colorado and Southwest Kansas and the prevalence of radionuclides in the waters of the Arkansas River Basin.

WHEREAS, The waters of the Arkansas River are declining in quality, due to naturally occurring sources that are exacerbated by irrigation and return flow practices concentrated in the Arkansas River Valley, east of Pueblo, Colorado; and

WHEREAS, In each of the last two years, approximately 10 tons of uranium have been delivered in downstream river flows from Colorado to groundwater in Southwest Kansas. The affected region in Kansas includes Hamilton, Kearny, and Finney counties;

and

WHEREAS, Affected communities in Colorado and Kansas require assistance to remedy decades of poor water quality, which continues to worsen; and

WHEREAS, Federal standards on safe drinking water are intended to protect the health and safety of the public. Accordingly, it is within the interest of the federal government to partner with state and local water providers to develop remedies for the Basin; and

WHEREAS, Public assistance is vital to providing safe drinking water to Kansans in the Basin, whose water supply is currently contaminated in affected communities and is threatened to be contaminated in other communities by naturally occurring radionuclides beyond the standards established by the Safe Drinking Water Act, public law 93-523; and

WHEREAS, Without additional funding, Kansas' affected communities cannot develop water management practices and necessary infrastructure to address the water quality concerns; and

WHEREAS, The U.S. Bureau of Reclamation has an established interest in providing alternative fresh water sources to portions of the affected Basin in Colorado. Currently, efforts are underway to accomplish this goal; and

WHEREAS, In 2014, the U.S. Bureau of Reclamation completed an Upper Arkansas River Basin Public Water Supply Alternatives Viability Analysis of Water Supply Alternatives for Hamilton, Kearny, and Finney counties in Kansas. The analysis addressed water quality and availability in the Basin and identified alternatives, including the regionalization of supply pipeline alternatives. However, such supply pipeline alternatives are largely unaffordable due to participants' inability to cover construction costs; and

WHEREAS, In 2015, the U.S. Bureau of Reclamation completed an Arkansas Basin from John Martin Reservoir to Garden City, Kansas, Final Plan of Study, acknowledging the shared water quality problems in Colorado and Kansas: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the State of Kansas hereby requests that the Kansas congressional delegation work with the U.S. Congress to provide funding and direction to the U.S. Bureau of Reclamation to implement the efforts identified in the 2014 and 2015 studies, including, but not limited to:

- Further compiling information on existing, usable sources, and projected demands;
- developing Basin tools, including scientifically defensible hydrologic and economic modeling tools;
- completing system reliability and impact analyses to assess the current and future capability of existing natural and manmade infrastructure and operations to meet demands and useable water supply challenges;
- identifying adaptation strategies to improve operations and infrastructure and to address current and future water availability and quality challenges in the Basin; and
- developing recommendations to address the water quality challenges and to provide reliable, clean sources of drinking water in the affected areas of the Basin; and

Be it further resolved: That we request the Kansas Water Office, Southwest Kansas Groundwater Management District No. 3, and other state and local partners in Kansas and Colorado to work with the U.S. Bureau of Reclamation to complete these tasks and to address the concerns regarding the contamination of the Arkansas River Basin; and

Be it further resolved: That the Secretary of the Senate shall send enrolled copies of this resolution to Kansas Governor Laura Kelly, each member of Kansas' congressional delegation, the Kansas Water Office, Southwest Kansas Groundwater Management District No. 3, the Arkansas River Compact Administration, the U.S. Bureau of Reclamation, and the current U.S. Secretary of the Interior.

On emergency motion of Senator Doll **SR 1729** was adopted by voice vote.

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

SENATE RESOLUTION No. 1730—

A RESOLUTION congratulating and commending the Coffeyville Community College women's volleyball team for winning the 2018 NJCAA Division II National Championship, their second consecutive NJCAA Division II National Championship.

WHEREAS, The Coffeyville Community College Red Ravens women's volleyball team won the 2018 National Junior College Athletic Association (NJCAA) Division II National Championship against Parkland College, with three straight-set wins; and

WHEREAS, The Red Ravens entered the tournament to defend their 2017 title as NJCAA Division II Champions in Charleston, West Virginia, as the tournament's top seed after a 2018 regular season record of 40–3 and ranking as number 1 in eight out of ten regular season polls; and

WHEREAS, In pursuit of back-to-back titles, the Red Ravens did not lose a single match in the 2018 NJCAA National Championship tournament; and

WHEREAS, Head Coach Delice Downing was awarded the 2018 Tachikara NJCAA Division II Coach of the Year, the 2018 Coach of the Tournament, and named one of the American Volleyball Coaches Association Two-Year Midwest Region Coaches of the Year; and

WHEREAS, Coach Downing has coached the Red Ravens for 14 years and is Coffeyville's all-time winningest coach. Her resume includes two national championships out of three tournament appearances; and

WHEREAS, No stranger to Coffeyville, Coach Downing played volleyball, softball, and basketball at Coffeyville Community College from 1998–2000, where she earned numerous achievements on the volleyball court such as the Kansas Jayhawk Community College Conference Freshman of the Year, Conference MVP, and first team all-conference two years in a row. Coach Downing graduated in 2000, transferring to West Alabama for volleyball, where she received the Arthur Ashe, Jr. Sports Scholar Award in 2002; and

WHEREAS, Coffeyville had three players named to the 2018 NJCAA Division II All-American First Team: Sophomore Dekyra Dennis, sophomore Adianez Reyes Rivera, and freshman Seliann Rodriguez; and

WHEREAS, After the tournament, Seliann Rodriguez and Dekyra Dennis were named to the all-tournament team. Adianez Reyes Rivera was named the 2018 tournament MVP and the NJCAA Division II National Player of the Year: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Coffeyville Community College women's volleyball team for winning the 2018 NJCAA Division II National Championship, their second consecutive NJCAA Division II Championship; and

Be it further resolved: That the Senate commends the Coffeyville Community College women's volleyball team, coached by Delice Downing, for their dedication, teamwork, and winning spirit; and

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

On emergency motion of Senator Goddard **SR 1730** was adopted by voice vote.

FINAL ACTION ON CONSENT CALENDAR

SB 102, SB 164; HB 2097, HB 2123, HB 2127 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 102, AN ACT establishing the Kansas closed case task force; relating to identification and investigation relating to hits to the combined DNA index system (CODIS).

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Wagle, Ware, Wilborn.

Nays: Tyson.

Absent or Not Voting: Estes.

The bill passed.

EXPLANATION OF VOTE

Mr. Vice President: I vote "AYE" on **SB 102** creating a task force to recommend the use of DNA technology for all criminal cases; either open or closed. The national DNA database ("CODIS") houses, collects and retains valuable data which if applied to many cases may yield valuable evidence leading to clarity of, and perhaps even, to an exoneration of a conviction. The compelling philosophy behind **SB 102** and this concept is simple and spans the breadth of political ideology. Society wants to insure that innocent people are not being held responsible for crimes they have not committed. No social utility is served if a true criminal is at-large for the crime that was committed and some innocent party is holding that conviction and, often, incarceration. **SB 102** is a concept conceived, promoted and brought to this Legislature by the Innocence Project and by Alvin Sykes of the Emmitt Till Justice Campaign. If **SB 102** survives the timetable of this Session (and the chicanery which often accompanies the same), Kansas will be the FIRST State in the Nation to impanel the task force that develops a model for applying these techniques and procedures. I predict if the House too passes this bill this year, eventually every State will one day be said to have followed Kansas. Our consent calendar presented and now nearly unanimously supported concept indeed on its way to fruition. We should all be proud to be leading the way with this innovative

idea which perpetuates an ever justice-seeking atmosphere.—DAVID HALEY

SB 164, AN ACT concerning alcoholic beverages; relating to licensure; specifying the effective date of licenses; amending K.S.A. 2018 Supp. 41-310 and 41-2629 and repealing the existing sections.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn.

Absent or Not Voting: Estes.

The bill passed.

HB 2097, AN ACT concerning county jails; relating to cost of keeping civil prisoners; amending K.S.A. 19-1909 and repealing the existing section.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn.

Absent or Not Voting: Estes.

The bill passed.

HB 2123, AN ACT concerning postsecondary education; relating to the Kansas national guard educational assistance act; participant qualifications; amending K.S.A. 74-32,149 and repealing the existing section.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn.

Absent or Not Voting: Estes.

The bill passed.

HB 2127, AN ACT concerning motor vehicles; relating to trucks and truck tractors; eliminating requirement to mark certain vehicles; amending K.S.A. 2018 Supp. 8-143e and repealing the existing section.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn.

Absent or Not Voting: Estes.
The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 178, AN ACT concerning sales taxation; relating to exemptions; nonprofit integrated community care organizations, definitions; requirements of new exemptions; amending K.S.A. 2018 Supp. 79-3602 and 79-3606 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn.

Absent or Not Voting: Estes.
The bill passed, as amended.

HB 2126, AN ACT concerning motor vehicles; relating to electric-assisted scooters; definitions; requirements; penalty; amending K.S.A. 2018 Supp. 8-126, 8-128, 8-1486 and 8-2118 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn.

Absent or Not Voting: Estes.
The bill passed, as amended.

HB 2209, AN ACT concerning the state board of regents; pertaining to cybersecurity insurance; authorizing the purchase thereof; amending K.S.A. 2018 Supp. 75-4101 and repealing the existing section, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn.

Absent or Not Voting: Estes.
The bill passed, as amended.

COMMITTEE OF THE WHOLE

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

On motion of Senator Petersen the following report was adopted:

The committee report on **SB 75** recommending **Sub SB 75** be adopted, be amended by motion of Senator Denning, on page 261, following line 24, by inserting:

"Sec. 128. On the effective date of this act, notwithstanding the provisions of any statute, no state agency shall expend any moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal years 2019 and 2020 as authorized by chapter 104 of the 2017 Session Laws of Kansas, chapter 109 of the 2018 Session Laws of Kansas, this or other appropriation act of the 2019 regular session of the legislature to file an application or any other paperwork with the United States centers for medicare and medicaid services to expand medical assistance eligibility for receipt of benefits under title XIX of the social security act, commonly known as medicaid, as provided for in the patient protection and affordable care act, public law 111-148, 124 stat. 119, and the health care and education reconciliation act of 2010, public law 111-152, 124 stat. 1029, without prior specific authorization by an act of the legislature on the specific requirements and provisions of such expanded eligibility.";

And by renumbering sections accordingly; and the substitute bill be passed as amended.

Citing Rule 26, Senator Hensley motioned to postpone **Sub SB 75** to day certain, Tuesday, March 26, 2019. The motion failed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **Sub SB 75** was advanced to Final Action and roll call.

Sub SB 75, AN ACT making and concerning appropriations for fiscal years ending June 30, 2019, June 30, 2020, June 30, 2021, and June 30, 2022, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 74-50,107 and 74-99b34 and K.S.A. 2018 Supp. 2-223, 12-1775a, 12-5256, 55-193, 75-2263, 75-4209, 76-775, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,171, 79-4804 and 82a-953a and repealing the existing sections.

Upon the showing of five hands, a Call of the Senate was requested.

On roll call, the vote was: Yeas 21; Nays 18; Present and Passing 0; Absent or Not Voting 1.

Yeas: Baumgardner, Berger, Billinger, Bowers, Braun, Denning, Doll, Givens, Goddard, Hardy, Kerschen, Longbine, Lynn, McGinn, Petersen, Rucker, Skubal, Suellentrop, Taylor, Wagle, Wilborn.

Nays: Alley, Bollier, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Hilderbrand, Holland, Masterson, Miller, Olson, Pettey, Pilcher-Cook, Pyle, Sykes, Tyson, Ware.

Absent or Not Voting: Estes.

The substitute bill passed, as amended.

The Call of the Senate was lifted.

EXPLANATION OF VOTE

Mr. Vice President: I vote "NO" on **Substitute Senate Bill 75**. After years of fiscal crises created by the Brownback tax experiment, Kansas is now on a path forward to recovery, opportunity, and prosperity. Governor Kelly proposed a stable budget that will provide priorities for the people of Kansas – funding our public schools, expanding

Medicaid, adding employees to the Department of Children and Families to resolve the foster care crisis, and rewarding state employees – including corrections officers and court employees –with a much-needed pay increase. The earlier passage of **Senate Bill 22** resulted in a tax giveaway for giant multi-national corporations that reduces revenues by \$205 million and results in a \$525 million negative ending balance by FY 2022. I vote no on **Senate Bill 75** for the thousands of Kansans who deserve access to healthcare through Medicaid expansion. I vote no for the foster care children and their social workers. I vote no for the corrections officers, judicial branch employees, and other hardworking civil servants who deserve pay increases. I vote no so we can consider adequately funding higher education and keeping tuition affordable for our students and their families. I vote no so we can find ways to fund our highways/bridges and key transportation infrastructure. The governor has urged restraint, and appropriately so. I stand with the governor, and for these reasons I vote "NO".—Tom Hawk

Senators Bollier, Faust-Goudeau and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Hawk on **Sub SB 75**.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

Under the authority of the President, the Vice President referred **SB 234** to the Committee on **Public Health and Welfare**.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **HB 2033**, as amended by House Committee of the Whole, be amended on page 5, in line 16, by striking "(A)"; also in line 16, before "and" by inserting ", Dickinson"; in line 18, before "county" by inserting "and Dickinson"; in line 23, by striking "subparagraph" and inserting "paragraph"; by striking all in lines 34 through 40;

On page 6, in line 5, by striking "(A)"; in line 6, before "and" by inserting ", Russell"; in line 8, before the first "and" by inserting ", Russell"; in line 12, by striking "subparagraph" and inserting "paragraph"; by striking all in lines 14 through 19;

On page 7, in line 3, before "The" by inserting "The board of county commissioners of Jackson county may submit the question of imposing a countywide retailers' sales tax at a rate of 0.4% and pledging the revenue received therefrom as follows: 50% of such revenues for the purpose of financing for economic development initiatives; and 50% of such revenues for the purpose of financing public infrastructure projects to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after seven years from the date such tax is first collected.";

Also on page 7, in line 7, before "and" by inserting "which such tax shall take effect after the expiration of the tax imposed pursuant to this paragraph prior to the effective date of this act,";

On page 12, in line 11, before "or" by inserting ", Thomas"; in line 13, by striking "or"; in line 14, by striking "Thomas";

On page 15, in line 25, after the period by inserting "The director of taxation shall confirm that all provisions of law applicable to the authorization of local sales tax have been followed prior to causing the collection. If the director of taxation discovers that a city or county did not comply with any provision of law applicable to the authorization of a local sales tax after collection has commenced, the director shall immediately

notify the city or county and cease collection of such sales tax until such noncompliance is remedied.";

On page 1, in the title, in line 2, by striking all after "rates"; by striking all in line 3; in line 4, by striking all before the semicolon and inserting ", election, Finney county, director of taxation"; and the bill be passed as amended.

Also, **HB 2160**, as amended by House Committee, be amended on page 1, in line 23, by striking "which" and inserting "that"; in line 27, by striking "which" and inserting "that";

On page 5, in line 3, after "(7)" by inserting "(A)"; also in line 3, by striking ", Dickinson"; in line 5, by striking "and Dickinson"; in line 10, by striking "paragraph" and inserting "subparagraph"; following line 20, by inserting:

"(B) The board of county commissioners of Dickinson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this subparagraph shall expire after 10 years from the date such tax is first collected.";

Also on page 5, in line 28, after "(9)" by inserting "(A)"; also in line 28, by striking all after "Crawford"; in line 30, by striking ", Russell"; in line 34, by striking "paragraph" and inserting "subparagraph"; following line 35, by inserting:

"(B) The board of county commissioners of Russell county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing economic development initiatives or public infrastructure projects. The tax imposed pursuant to this subparagraph shall expire after 10 years from the date such tax is first collected.";

On page 6, in line 12, by striking all after "(13)"; by striking all in lines 13 through 18; in line 19, by striking all before "The"; in line 21, by striking all after "0.4%"; by striking all in line 22; in line 23, by striking all before "and";

On page 10, in line 28, by striking "which" and inserting "that"; in line 31, by striking "which" and inserting "that";

On page 11, following line 21, by inserting:

"Sec. 2. K.S.A. 2018 Supp. 12-189 is hereby amended to read as follows: 12-189. The rate of any city retailers' sales tax shall be fixed in increments of 0.05% and in an amount not to exceed 2% for general purposes and not to exceed 1% for special purposes, which shall be determined by the governing body of the city. For any retailers' sales tax imposed by a city for special purposes, such city shall specify the purposes for which such tax is imposed. All such special purpose retailers' sales taxes imposed by a city shall expire after 10 years from the date such tax is first collected. The rate of any countywide retailers' sales tax shall be fixed in an amount not to exceed 1% and shall be fixed in increments of 0.25%, and which amount shall be determined by the board of county commissioners, except that:

(a) The board of county commissioners of Wabaunsee county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 1.25%; the board of county commissioners of Osage or Reno county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 1.25% or 1.5%; the board of county commissioners of Cherokee, Crawford, Ford, Saline, Seward, ~~Thomas~~ or Wyandotte county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such

rate at 1.5%;³ the board of county commissioners of Atchison or Thomas county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 1.5% or 1.75%; the board of county commissioners of Anderson, Barton, Jefferson or Ottawa county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 2%; the board of county commissioners of Marion county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 2.5%; the board of county commissioners of Franklin, Linn and Miami counties, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at a percentage ~~which~~ that is equal to the sum of the rate allowed to be imposed by the respective board of county commissioners on July 1, 2007, plus up to 1.0%; and the board of county commissioners of Brown county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at up to 2%;

(b) the board of county commissioners of Jackson county, for the purposes of K.S.A. 12-187(b)(3), and amendments thereto, may fix such rate at 2%;

(c) the boards of county commissioners of Finney and Ford counties, for the purposes of K.S.A. 12-187(b)(4), and amendments thereto, may fix such rate at 0.25%;

(d) the board of county commissioners of any county⁴, for the purposes of K.S.A. 12-187(b)(5), and amendments thereto, may fix such rate at a percentage ~~which~~ that is equal to the sum of the rate allowed to be imposed by a board of county commissioners on the effective date of this act plus 0.25%, 0.5%, 0.75% or 1%, as the case requires;

(e) the board of county commissioners of Dickinson county, for the purposes of K.S.A. 12-187(b)(7), and amendments thereto, may fix such rate at 1.5%, and the board of county commissioners of Miami county, for the purposes of K.S.A. 12-187(b)(7), and amendments thereto, may fix such rate at 1.25%, 1.5%, 1.75% or 2%;

(f) the board of county commissioners of Sherman county, for the purposes of K.S.A. 12-187(b)(8), and amendments thereto, may fix such rate at 2.25%;

(g) the board of county commissioners of Crawford or Russell county for the purposes of K.S.A. 12-187(b)(9), and amendments thereto, may fix such rate at 1.5%;

(h) the board of county commissioners of Franklin county, for the purposes of K.S.A. 12-187(b)(10), and amendments thereto, may fix such rate at 1.75%;

(i) the board of county commissioners of Douglas county, for the purposes of K.S.A. 12-187(b)(11) and (b)(30), and amendments thereto, may fix such rate at 1.75%;

(j) the board of county commissioners of Jackson county, for the purposes of K.S.A. 12-187(b)(13), and amendments thereto, may fix such rate at 1.4%;

(k) the board of county commissioners of Sedgwick county, for the purposes of K.S.A. 12-187(b)(3)(C), and amendments thereto, may fix such rate at 2%;

(l) the board of county commissioners of Neosho county, for the purposes of K.S.A. 12-187(b)(14), and amendments thereto, may fix such rate at 1.0% or 1.5%;

(m) the board of county commissioners of Saline county, for the purposes of K.S.A. 12-187(b)(15), and amendments thereto, may fix such rate at up to 1.5%;

(n) the board of county commissioners of Harvey county, for the purposes of K.S.A. 12-187(b)(16), and amendments thereto, may fix such rate at 2.0%;

(o) the board of county commissioners of Atchison county, for the purpose of K.S.A. 12-187(b)(17), and amendments thereto, may fix such rate at a percentage ~~which~~ that is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Atchison county on the effective date of this act plus 0.25%;

(p) the board of county commissioners of Wabaunsee county, for the purpose of

K.S.A. 12-187(b)(18), and amendments thereto, may fix such rate at a percentage ~~which~~ that is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Wabaunsee county on July 1, 2007, plus 0.5%;

(q) the board of county commissioners of Jefferson county, for the purpose of K.S.A. 12-187(b)(19) and (25), and amendments thereto, may fix such rate at 2.25%;

(r) the board of county commissioners of Riley county, for the purpose of K.S.A. 12-187(b)(20), and amendments thereto, may fix such rate at a percentage ~~which~~ that is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Riley county on July 1, 2007, plus up to 1%;

(s) the board of county commissioners of Johnson county, for the purposes of K.S.A. 12-187(b)(21), and amendments thereto, may fix such rate at a percentage ~~which~~ that is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Johnson county on July 1, 2007, plus 0.25%;

(t) the board of county commissioners of Wilson county, for the purposes of K.S.A. 12-187(b)(22), and amendments thereto, may fix such rate at up to 2%;

(u) the board of county commissioners of Butler county, for the purposes of K.S.A. 12-187(b)(23), and amendments thereto, may fix such rate at a percentage ~~which~~ that is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.25%, 0.5%, 0.75% or 1%;

(v) the board of county commissioners of Barton county, for the purposes of K.S.A. 12-187(b)(24), and amendments thereto, may fix such rate at up to 1.5%;

(w) the board of county commissioners of Lyon county, for the purposes of K.S.A. 12-187(b)(3)(D), and amendments thereto, may fix such rate at 1.5%;

(x) the board of county commissioners of Rawlins county, for the purposes of K.S.A. 12-187(b)(3)(E), and amendments thereto, may fix such rate at 1.75%;

(y) the board of county commissioners of Chautauqua county, for the purposes of K.S.A. 12-187(b)(3)(F), and amendments thereto, may fix such rate at 2.0%;

(z) the board of county commissioners of Pottawatomie county, for the purposes of K.S.A. 12-187(b)(26), and amendments thereto, may fix such rate at up to 1.5%;

(aa) the board of county commissioners of Kingman county, for the purposes of K.S.A. 12-187(b)(27), and amendments thereto, may fix such rate at a percentage ~~which~~ that is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.25%, 0.5%, 0.75%, or 1%;

(bb) the board of county commissioners of Edwards county, for the purposes of K.S.A. 12-187(b)(28), and amendments thereto, may fix such rate at 1.375%;

(cc) the board of county commissioners of Rooks county, for the purposes of K.S.A. 12-187(b)(29), and amendments thereto, may fix such rate at up to 1.5%;

(dd) the board of county commissioners of Bourbon county, for the purposes of K.S.A. 12-187(b)(3)(G) and (b)(31), and amendments thereto, may fix such rate at up to 2.0%; and

(ee) the board of county commissioners of Marion county, for the purposes of K.S.A. 12-187(b)(32), and amendments thereto, may fix such rate at 2.5%.

Any county or city levying a retailers' sales tax is hereby prohibited from administering or collecting such tax locally, but shall utilize the services of the state department of revenue to administer, enforce and collect such tax. Except as otherwise specifically provided in K.S.A. 12-189a, and amendments thereto, such tax shall be identical in its application, and exemptions therefrom, to the Kansas retailers' sales tax

act and all laws and administrative rules and regulations of the state department of revenue relating to the Kansas retailers' sales tax shall apply to such local sales tax insofar as such laws and rules and regulations may be made applicable. The state director of taxation is hereby authorized to administer, enforce and collect such local sales taxes and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement thereof.

Upon receipt of a certified copy of an ordinance or resolution authorizing the levy of a local retailers' sales tax, the director of taxation shall cause such taxes to be collected within or without the boundaries of such taxing subdivision at the same time and in the same manner provided for the collection of the state retailers' sales tax. Such copy shall be submitted to the director of taxation within 30 days after adoption of any such ordinance or resolution. All moneys collected by the director of taxation under the provisions of this section shall be credited to a county and city retailers' sales tax fund which fund is hereby established in the state treasury, except that all moneys collected by the director of taxation pursuant to the authority granted in K.S.A. 12-187(b)(22), and amendments thereto, shall be credited to the Wilson county capital improvements fund. Any refund due on any county or city retailers' sales tax collected pursuant to this act shall be paid out of the sales tax refund fund and reimbursed by the director of taxation from collections of local retailers' sales tax revenue. Except for local retailers' sales tax revenue required to be deposited in the redevelopment bond fund established under K.S.A. 74-8927, and amendments thereto, all local retailers' sales tax revenue collected within any county or city pursuant to this act shall be apportioned and remitted at least quarterly by the state treasurer, on instruction from the director of taxation, to the treasurer of such county or city.

Revenue that is received from the imposition of a local retailers' sales tax ~~which that~~ exceeds the amount of revenue required to pay the costs of a special project for which such revenue was pledged shall be credited to the city or county general fund, as the case requires.

The director of taxation shall provide, upon request by a city or county clerk or treasurer or finance officer of any city or county levying a local retailers' sales tax, monthly reports identifying each retailer doing business in such city or county or making taxable sales sourced to such city or county, setting forth the tax liability and the amount of such tax remitted by each retailer during the preceding month and identifying each business location maintained by the retailer and such retailer's sales or use tax registration or account number. Such report shall be made available to the clerk or treasurer or finance officer of such city or county within a reasonable time after it has been requested from the director of taxation. The director of taxation shall be allowed to assess a reasonable fee for the issuance of such report. Information received by any city or county pursuant to this section shall be confidential, and it shall be unlawful for any officer or employee of such city or county to divulge any such information in any manner. Any violation of this paragraph by a city or county officer or employee is a class A misdemeanor, and such officer or employee shall be dismissed from office. Reports of violations of this paragraph shall be investigated by the attorney general. The district attorney or county attorney and the attorney general shall have authority to prosecute violations of this paragraph.

Sec. 3. K.S.A. 2018 Supp. 79-3606 is hereby amended to read as follows: 79-3606. The following shall be exempt from the tax imposed by this act:

(a) All sales of motor-vehicle fuel or other articles upon which a sales or excise tax has been paid, not subject to refund, under the laws of this state except cigarettes and electronic cigarettes as defined by K.S.A. 79-3301, and amendments thereto, including consumable material for such electronic cigarettes, cereal malt beverages and malt products as defined by K.S.A. 79-3817, and amendments thereto, including wort, liquid malt, malt syrup and malt extract, that is not subject to taxation under the provisions of K.S.A. 79-41a02, and amendments thereto, motor vehicles taxed pursuant to K.S.A. 79-5117, and amendments thereto, tires taxed pursuant to K.S.A. 65-3424d, and amendments thereto, drycleaning and laundry services taxed pursuant to K.S.A. 65-34,150, and amendments thereto, and gross receipts from regulated sports contests taxed pursuant to the Kansas professional regulated sports act, and amendments thereto;

(b) all sales of tangible personal property or service, including the renting and leasing of tangible personal property, purchased directly by the state of Kansas, a political subdivision thereof, other than a school or educational institution, or purchased by a public or private nonprofit hospital or public hospital authority or nonprofit blood, tissue or organ bank and used exclusively for state, political subdivision, hospital or public hospital authority or nonprofit blood, tissue or organ bank purposes, except when: (1) Such state, hospital or public hospital authority is engaged or proposes to engage in any business specifically taxable under the provisions of this act and such items of tangible personal property or service are used or proposed to be used in such business; or (2) such political subdivision is engaged or proposes to engage in the business of furnishing gas, electricity or heat to others and such items of personal property or service are used or proposed to be used in such business;

(c) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly by a public or private elementary or secondary school or public or private nonprofit educational institution and used primarily by such school or institution for nonsectarian programs and activities provided or sponsored by such school or institution or in the erection, repair or enlargement of buildings to be used for such purposes. The exemption herein provided shall not apply to erection, construction, repair, enlargement or equipment of buildings used primarily for human habitation;

(d) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, a public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership, that would be exempt from taxation under the provisions of this act if purchased directly by such hospital or public hospital authority, school, educational institution or a state correctional institution; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or district described in subsection (s), the total cost of which is paid from funds of such political subdivision or district and that would be exempt from taxation under the provisions of this act if purchased directly by such political subdivision or district. Nothing in this subsection or in the provisions of K.S.A. 12-3418, and amendments thereto, shall be deemed to exempt the purchase of any construction machinery,

equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or any such district. As used in this subsection, K.S.A. 12-3418 and 79-3640, and amendments thereto, "funds of a political subdivision" shall mean general tax revenues, the proceeds of any bonds and gifts or grants-in-aid. Gifts shall not mean funds used for the purpose of constructing, equipping, reconstructing, repairing, enlarging, furnishing or remodeling facilities that are to be leased to the donor. When any political subdivision of the state, district described in subsection (s), public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or department of corrections concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or the contractor contracting with the department of corrections for a correctional institution concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(e) all sales of tangible personal property or services purchased by a contractor for the erection, repair or enlargement of buildings or other projects for the government of

the United States, its agencies or instrumentalities, that would be exempt from taxation if purchased directly by the government of the United States, its agencies or instrumentalities. When the government of the United States, its agencies or instrumentalities shall contract for the erection, repair, or enlargement of any building or other project, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the government of the United States, its agencies or instrumentalities concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(f) tangible personal property purchased by a railroad or public utility for consumption or movement directly and immediately in interstate commerce;

(g) sales of aircraft including remanufactured and modified aircraft sold to persons using directly or through an authorized agent such aircraft as certified or licensed carriers of persons or property in interstate or foreign commerce under authority of the laws of the United States or any foreign government or sold to any foreign government or agency or instrumentality of such foreign government and all sales of aircraft for use outside of the United States and sales of aircraft repair, modification and replacement parts and sales of services employed in the remanufacture, modification and repair of aircraft;

(h) all rentals of nonsectarian textbooks by public or private elementary or secondary schools;

(i) the lease or rental of all films, records, tapes, or any type of sound or picture transcriptions used by motion picture exhibitors;

(j) meals served without charge or food used in the preparation of such meals to employees of any restaurant, eating house, dining car, hotel, drugstore or other place where meals or drinks are regularly sold to the public if such employees' duties are related to the furnishing or sale of such meals or drinks;

(k) any motor vehicle, semitrailer or pole trailer, as such terms are defined by K.S.A. 8-126, and amendments thereto, or aircraft sold and delivered in this state to a bona fide resident of another state, which motor vehicle, semitrailer, pole trailer or aircraft is not to be registered or based in this state and which vehicle, semitrailer, pole trailer or aircraft will not remain in this state more than 10 days;

(l) all isolated or occasional sales of tangible personal property, services, substances or things, except isolated or occasional sale of motor vehicles specifically taxed under the provisions of K.S.A. 79-3603(o), and amendments thereto;

(m) all sales of tangible personal property that become an ingredient or component part of tangible personal property or services produced, manufactured or compounded for ultimate sale at retail within or without the state of Kansas; and any such producer, manufacturer or compounder may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for use as an ingredient or component part of the property or services produced, manufactured or compounded;

(n) all sales of tangible personal property that is consumed in the production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property, the treating of by-products or wastes derived from any such production process, the providing of services or the irrigation of crops for ultimate sale at retail within or without the state of Kansas; and any purchaser of such property may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for consumption in such production, manufacture, processing, mining, drilling, refining, compounding, treating, irrigation and in providing such services;

(o) all sales of animals, fowl and aquatic plants and animals, the primary purpose of which is use in agriculture or aquaculture, as defined in K.S.A. 47-1901, and amendments thereto, the production of food for human consumption, the production of animal, dairy, poultry or aquatic plant and animal products, fiber or fur, or the production of offspring for use for any such purpose or purposes;

(p) all sales of drugs dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, "drug" means a compound, substance or preparation and any component of a compound, substance or preparation, other than food and food ingredients, dietary supplements or alcoholic beverages, recognized in the official United States pharmacopeia, official homeopathic pharmacopoeia of the United States or official national formulary, and supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease or intended to affect the structure or any function of the body, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of drugs used in the performance or induction of an abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(q) all sales of insulin dispensed by a person licensed by the state board of pharmacy to a person for treatment of diabetes at the direction of a person licensed to practice medicine by the state board of healing arts;

(r) all sales of oxygen delivery equipment, kidney dialysis equipment, enteral feeding systems, prosthetic devices and mobility enhancing equipment prescribed in writing by a person licensed to practice the healing arts, dentistry or optometry, and in addition to such sales, all sales of hearing aids, as defined by K.S.A. 74-5807(c), and amendments thereto, and repair and replacement parts therefor, including batteries, by a person licensed in the practice of dispensing and fitting hearing aids pursuant to the provisions of K.S.A. 74-5808, and amendments thereto. For the purposes of this subsection: (1) "Mobility enhancing equipment" means equipment including repair and

replacement parts to same, but does not include durable medical equipment, which is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle; is not generally used by persons with normal mobility; and does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer; and (2) "prosthetic device" means a replacement, corrective or supportive device including repair and replacement parts for same worn on or in the body to artificially replace a missing portion of the body, prevent or correct physical deformity or malfunction or support a weak or deformed portion of the body;

(s) except as provided in K.S.A. 2018 Supp. 82a-2101, and amendments thereto, all sales of tangible personal property or services purchased directly or indirectly by a groundwater management district organized or operating under the authority of K.S.A. 82a-1020 et seq., and amendments thereto, by a rural water district organized or operating under the authority of K.S.A. 82a-612, and amendments thereto, or by a water supply district organized or operating under the authority of K.S.A. 19-3501 et seq., 19-3522 et seq. or 19-3545, and amendments thereto, which property or services are used in the construction activities, operation or maintenance of the district;

(t) all sales of farm machinery and equipment or aquaculture machinery and equipment, repair and replacement parts therefor and services performed in the repair and maintenance of such machinery and equipment. For the purposes of this subsection the term "farm machinery and equipment or aquaculture machinery and equipment" shall include a work-site utility vehicle, as defined in K.S.A. 8-126, and amendments thereto, and is equipped with a bed or cargo box for hauling materials, and shall also include machinery and equipment used in the operation of Christmas tree farming but shall not include any passenger vehicle, truck, truck tractor, trailer, semitrailer or pole trailer, other than a farm trailer, as such terms are defined by K.S.A. 8-126, and amendments thereto. "Farm machinery and equipment" includes precision farming equipment that is portable or is installed or purchased to be installed on farm machinery and equipment. "Precision farming equipment" includes the following items used only in computer-assisted farming, ranching or aquaculture production operations: Soil testing sensors, yield monitors, computers, monitors, software, global positioning and mapping systems, guiding systems, modems, data communications equipment and any necessary mounting hardware, wiring and antennas. Each purchaser of farm machinery and equipment or aquaculture machinery and equipment exempted herein must certify in writing on the copy of the invoice or sales ticket to be retained by the seller that the farm machinery and equipment or aquaculture machinery and equipment purchased will be used only in farming, ranching or aquaculture production. Farming or ranching shall include the operation of a feedlot and farm and ranch work for hire and the operation of a nursery;

(u) all leases or rentals of tangible personal property used as a dwelling if such tangible personal property is leased or rented for a period of more than 28 consecutive days;

(v) all sales of tangible personal property to any contractor for use in preparing meals for delivery to homebound elderly persons over 60 years of age and to homebound disabled persons or to be served at a group-sitting at a location outside of the home to otherwise homebound elderly persons over 60 years of age and to otherwise homebound disabled persons, as all or part of any food service project funded

in whole or in part by government or as part of a private nonprofit food service project available to all such elderly or disabled persons residing within an area of service designated by the private nonprofit organization, and all sales of tangible personal property for use in preparing meals for consumption by indigent or homeless individuals whether or not such meals are consumed at a place designated for such purpose, and all sales of food products by or on behalf of any such contractor or organization for any such purpose;

(w) all sales of natural gas, electricity, heat and water delivered through mains, lines or pipes: (1) To residential premises for noncommercial use by the occupant of such premises; (2) for agricultural use and also, for such use, all sales of propane gas; (3) for use in the severing of oil; and (4) to any property which is exempt from property taxation pursuant to K.S.A. 79-201b, *Second* through *Sixth*. As used in this paragraph, "severing" means the same as defined in K.S.A. 79-4216(k), and amendments thereto. For all sales of natural gas, electricity and heat delivered through mains, lines or pipes pursuant to the provisions of subsection (w)(1) and (w)(2), the provisions of this subsection shall expire on December 31, 2005;

(x) all sales of propane gas, LP-gas, coal, wood and other fuel sources for the production of heat or lighting for noncommercial use of an occupant of residential premises occurring prior to January 1, 2006;

(y) all sales of materials and services used in the repairing, servicing, altering, maintaining, manufacturing, remanufacturing, or modification of railroad rolling stock for use in interstate or foreign commerce under authority of the laws of the United States;

(z) all sales of tangible personal property and services purchased directly by a port authority or by a contractor therefor as provided by the provisions of K.S.A. 12-3418, and amendments thereto;

(aa) all sales of materials and services applied to equipment that is transported into the state from without the state for repair, service, alteration, maintenance, remanufacture or modification and that is subsequently transported outside the state for use in the transmission of liquids or natural gas by means of pipeline in interstate or foreign commerce under authority of the laws of the United States;

(bb) all sales of used mobile homes or manufactured homes. As used in this subsection: (1) "Mobile homes" and "manufactured homes" mean the same as defined in K.S.A. 58-4202, and amendments thereto; and (2) "sales of used mobile homes or manufactured homes" means sales other than the original retail sale thereof;

(cc) all sales of tangible personal property or services purchased prior to January 1, 2012, except as otherwise provided, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business or retail business that meets the requirements established in K.S.A. 74-50,115, and amendments thereto, and the sale and installation of machinery and equipment purchased for installation at any such business or retail business, and all sales of tangible personal property or services purchased on or after January 1, 2012, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business that meets the requirements established in K.S.A. 74-50,115(e), and amendments thereto, and the sale and installation of machinery and equipment purchased for installation at any such business. When a person shall contract for the construction, reconstruction, enlargement or remodeling of any such business or retail business, such person shall obtain from the

state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials, machinery and equipment for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the owner of the business or retail business a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials, machinery or equipment purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed thereon, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. As used in this subsection, "business" and "retail business" mean the same as defined in K.S.A. 74-50,114, and amendments thereto. Project exemption certificates that have been previously issued under this subsection by the department of revenue pursuant to K.S.A. 74-50,115, and amendments thereto, but not including K.S.A. 74-50,115(e), and amendments thereto, prior to January 1, 2012, and have not expired will be effective for the term of the project or two years from the effective date of the certificate, whichever occurs earlier. Project exemption certificates that are submitted to the department of revenue prior to January 1, 2012, and are found to qualify will be issued a project exemption certificate that will be effective for a two-year period or for the term of the project, whichever occurs earlier;

(dd) all sales of tangible personal property purchased with food stamps issued by the United States department of agriculture;

(ee) all sales of lottery tickets and shares made as part of a lottery operated by the state of Kansas;

(ff) on and after July 1, 1988, all sales of new mobile homes or manufactured homes to the extent of 40% of the gross receipts, determined without regard to any trade-in allowance, received from such sale. As used in this subsection, "mobile homes" and "manufactured homes" mean the same as defined in K.S.A. 58-4202, and amendments thereto;

(gg) all sales of tangible personal property purchased in accordance with vouchers issued pursuant to the federal special supplemental food program for women, infants and children;

(hh) all sales of medical supplies and equipment, including durable medical equipment, purchased directly by a nonprofit skilled nursing home or nonprofit intermediate nursing care home, as defined by K.S.A. 39-923, and amendments thereto, for the purpose of providing medical services to residents thereof. This exemption shall not apply to tangible personal property customarily used for human habitation purposes. As used in this subsection, "durable medical equipment" means equipment including repair and replacement parts for such equipment, that can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of illness or injury and is not worn in or on the body, but does not include mobility enhancing equipment as defined in subsection (r), oxygen delivery

equipment, kidney dialysis equipment or enteral feeding systems;

(ii) all sales of tangible personal property purchased directly by a nonprofit organization for nonsectarian comprehensive multidiscipline youth development programs and activities provided or sponsored by such organization, and all sales of tangible personal property by or on behalf of any such organization. This exemption shall not apply to tangible personal property customarily used for human habitation purposes;

(jj) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly on behalf of a community-based facility for people with intellectual disability or mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto, and licensed in accordance with the provisions of K.S.A. 2018 Supp. 39-2001 et seq., and amendments thereto, and all sales of tangible personal property or services purchased by contractors during the time period from July, 2003, through June, 2006, for the purpose of constructing, equipping, maintaining or furnishing a new facility for a community-based facility for people with intellectual disability or mental health center located in Riverton, Cherokee County, Kansas, that would have been eligible for sales tax exemption pursuant to this subsection if purchased directly by such facility or center. This exemption shall not apply to tangible personal property customarily used for human habitation purposes;

(kk) (1) (A) all sales of machinery and equipment that are used in this state as an integral or essential part of an integrated production operation by a manufacturing or processing plant or facility;

(B) all sales of installation, repair and maintenance services performed on such machinery and equipment; and

(C) all sales of repair and replacement parts and accessories purchased for such machinery and equipment.

(2) For purposes of this subsection:

(A) "Integrated production operation" means an integrated series of operations engaged in at a manufacturing or processing plant or facility to process, transform or convert tangible personal property by physical, chemical or other means into a different form, composition or character from that in which it originally existed. Integrated production operations shall include: (i) Production line operations, including packaging operations; (ii) preproduction operations to handle, store and treat raw materials; (iii) post production handling, storage, warehousing and distribution operations; and (iv) waste, pollution and environmental control operations, if any;

(B) "production line" means the assemblage of machinery and equipment at a manufacturing or processing plant or facility where the actual transformation or processing of tangible personal property occurs;

(C) "manufacturing or processing plant or facility" means a single, fixed location owned or controlled by a manufacturing or processing business that consists of one or more structures or buildings in a contiguous area where integrated production operations are conducted to manufacture or process tangible personal property to be ultimately sold at retail. Such term shall not include any facility primarily operated for the purpose of conveying or assisting in the conveyance of natural gas, electricity, oil or water. A business may operate one or more manufacturing or processing plants or facilities at different locations to manufacture or process a single product of tangible

personal property to be ultimately sold at retail;

(D) "manufacturing or processing business" means a business that utilizes an integrated production operation to manufacture, process, fabricate, finish or assemble items for wholesale and retail distribution as part of what is commonly regarded by the general public as an industrial manufacturing or processing operation or an agricultural commodity processing operation. (i) Industrial manufacturing or processing operations include, by way of illustration but not of limitation, the fabrication of automobiles, airplanes, machinery or transportation equipment, the fabrication of metal, plastic, wood or paper products, electricity power generation, water treatment, petroleum refining, chemical production, wholesale bottling, newspaper printing, ready mixed concrete production, and the remanufacturing of used parts for wholesale or retail sale. Such processing operations shall include operations at an oil well, gas well, mine or other excavation site where the oil, gas, minerals, coal, clay, stone, sand or gravel that has been extracted from the earth is cleaned, separated, crushed, ground, milled, screened, washed or otherwise treated or prepared before its transmission to a refinery or before any other wholesale or retail distribution. (ii) Agricultural commodity processing operations include, by way of illustration but not of limitation, meat packing, poultry slaughtering and dressing, processing and packaging farm and dairy products in sealed containers for wholesale and retail distribution, feed grinding, grain milling, frozen food processing, and grain handling, cleaning, blending, fumigation, drying and aeration operations engaged in by grain elevators or other grain storage facilities. (iii) Manufacturing or processing businesses do not include, by way of illustration but not of limitation, nonindustrial businesses whose operations are primarily retail and that produce or process tangible personal property as an incidental part of conducting the retail business, such as retailers who bake, cook or prepare food products in the regular course of their retail trade, grocery stores, meat lockers and meat markets that butcher or dress livestock or poultry in the regular course of their retail trade, contractors who alter, service, repair or improve real property, and retail businesses that clean, service or refurbish and repair tangible personal property for its owner;

(E) "repair and replacement parts and accessories" means all parts and accessories for exempt machinery and equipment, including, but not limited to, dies, jigs, molds, patterns and safety devices that are attached to exempt machinery or that are otherwise used in production, and parts and accessories that require periodic replacement such as belts, drill bits, grinding wheels, grinding balls, cutting bars, saws, refractory brick and other refractory items for exempt kiln equipment used in production operations;

(F) "primary" or "primarily" mean more than 50% of the time.

(3) For purposes of this subsection, machinery and equipment shall be deemed to be used as an integral or essential part of an integrated production operation when used:

(A) To receive, transport, convey, handle, treat or store raw materials in preparation of its placement on the production line;

(B) to transport, convey, handle or store the property undergoing manufacturing or processing at any point from the beginning of the production line through any warehousing or distribution operation of the final product that occurs at the plant or facility;

(C) to act upon, effect, promote or otherwise facilitate a physical change to the property undergoing manufacturing or processing;

(D) to guide, control or direct the movement of property undergoing manufacturing

or processing;

(E) to test or measure raw materials, the property undergoing manufacturing or processing or the finished product, as a necessary part of the manufacturer's integrated production operations;

(F) to plan, manage, control or record the receipt and flow of inventories of raw materials, consumables and component parts, the flow of the property undergoing manufacturing or processing and the management of inventories of the finished product;

(G) to produce energy for, lubricate, control the operating of or otherwise enable the functioning of other production machinery and equipment and the continuation of production operations;

(H) to package the property being manufactured or processed in a container or wrapping in which such property is normally sold or transported;

(I) to transmit or transport electricity, coke, gas, water, steam or similar substances used in production operations from the point of generation, if produced by the manufacturer or processor at the plant site, to that manufacturer's production operation; or, if purchased or delivered from off-site, from the point where the substance enters the site of the plant or facility to that manufacturer's production operations;

(J) to cool, heat, filter, refine or otherwise treat water, steam, acid, oil, solvents or other substances that are used in production operations;

(K) to provide and control an environment required to maintain certain levels of air quality, humidity or temperature in special and limited areas of the plant or facility, where such regulation of temperature or humidity is part of and essential to the production process;

(L) to treat, transport or store waste or other byproducts of production operations at the plant or facility; or

(M) to control pollution at the plant or facility where the pollution is produced by the manufacturing or processing operation.

(4) The following machinery, equipment and materials shall be deemed to be exempt even though it may not otherwise qualify as machinery and equipment used as an integral or essential part of an integrated production operation: (A) Computers and related peripheral equipment that are utilized by a manufacturing or processing business for engineering of the finished product or for research and development or product design; (B) machinery and equipment that is utilized by a manufacturing or processing business to manufacture or rebuild tangible personal property that is used in manufacturing or processing operations, including tools, dies, molds, forms and other parts of qualifying machinery and equipment; (C) portable plants for aggregate concrete, bulk cement and asphalt including cement mixing drums to be attached to a motor vehicle; (D) industrial fixtures, devices, support facilities and special foundations necessary for manufacturing and production operations, and materials and other tangible personal property sold for the purpose of fabricating such fixtures, devices, facilities and foundations. An exemption certificate for such purchases shall be signed by the manufacturer or processor. If the fabricator purchases such material, the fabricator shall also sign the exemption certificate; (E) a manufacturing or processing business' laboratory equipment that is not located at the plant or facility, but that would otherwise qualify for exemption under subsection (3)(E); (F) all machinery and equipment used in surface mining activities as described in K.S.A. 49-601 et seq., and amendments thereto, beginning from the time a reclamation plan is filed to the

acceptance of the completed final site reclamation.

(5) "Machinery and equipment used as an integral or essential part of an integrated production operation" shall not include:

(A) Machinery and equipment used for nonproduction purposes, including, but not limited to, machinery and equipment used for plant security, fire prevention, first aid, accounting, administration, record keeping, advertising, marketing, sales or other related activities, plant cleaning, plant communications and employee work scheduling;

(B) machinery, equipment and tools used primarily in maintaining and repairing any type of machinery and equipment or the building and plant;

(C) transportation, transmission and distribution equipment not primarily used in a production, warehousing or material handling operation at the plant or facility, including the means of conveyance of natural gas, electricity, oil or water, and equipment related thereto, located outside the plant or facility;

(D) office machines and equipment including computers and related peripheral equipment not used directly and primarily to control or measure the manufacturing process;

(E) furniture and other furnishings;

(F) buildings, other than exempt machinery and equipment that is permanently affixed to or becomes a physical part of the building, and any other part of real estate that is not otherwise exempt;

(G) building fixtures that are not integral to the manufacturing operation, such as utility systems for heating, ventilation, air conditioning, communications, plumbing or electrical;

(H) machinery and equipment used for general plant heating, cooling and lighting;

(I) motor vehicles that are registered for operation on public highways; or

(J) employee apparel, except safety and protective apparel that is purchased by an employer and furnished gratuitously to employees who are involved in production or research activities.

(6) Subsections (3) and (5) shall not be construed as exclusive listings of the machinery and equipment that qualify or do not qualify as an integral or essential part of an integrated production operation. When machinery or equipment is used as an integral or essential part of production operations part of the time and for nonproduction purposes at other times, the primary use of the machinery or equipment shall determine whether or not such machinery or equipment qualifies for exemption.

(7) The secretary of revenue shall adopt rules and regulations necessary to administer the provisions of this subsection;

(ll) all sales of educational materials purchased for distribution to the public at no charge by a nonprofit corporation organized for the purpose of encouraging, fostering and conducting programs for the improvement of public health, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such materials purchased by a nonprofit corporation which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(mm) all sales of seeds and tree seedlings; fertilizers, insecticides, herbicides, germicides, pesticides and fungicides; and services, purchased and used for the purpose of producing plants in order to prevent soil erosion on land devoted to agricultural use;

(nn) except as otherwise provided in this act, all sales of services rendered by an advertising agency or licensed broadcast station or any member, agent or employee

thereof;

(oo) all sales of tangible personal property purchased by a community action group or agency for the exclusive purpose of repairing or weatherizing housing occupied by low-income individuals;

(pp) all sales of drill bits and explosives actually utilized in the exploration and production of oil or gas;

(qq) all sales of tangible personal property and services purchased by a nonprofit museum or historical society or any combination thereof, including a nonprofit organization that is organized for the purpose of stimulating public interest in the exploration of space by providing educational information, exhibits and experiences, that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(rr) all sales of tangible personal property that will admit the purchaser thereof to any annual event sponsored by a nonprofit organization that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such tangible personal property purchased by a nonprofit organization which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(ss) all sales of tangible personal property and services purchased by a public broadcasting station licensed by the federal communications commission as a noncommercial educational television or radio station;

(tt) all sales of tangible personal property and services purchased by or on behalf of a not-for-profit corporation that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the sole purpose of constructing a Kansas Korean War memorial;

(uu) all sales of tangible personal property and services purchased by or on behalf of any rural volunteer fire-fighting organization for use exclusively in the performance of its duties and functions;

(vv) all sales of tangible personal property purchased by any of the following organizations that are exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the following purposes, and all sales of any such property by or on behalf of any such organization for any such purpose:

(1) The American heart association, Kansas affiliate, inc. for the purposes of providing education, training, certification in emergency cardiac care, research and other related services to reduce disability and death from cardiovascular diseases and stroke;

(2) the Kansas alliance for the mentally ill, inc. for the purpose of advocacy for persons with mental illness and to education, research and support for their families;

(3) the Kansas mental illness awareness council for the purposes of advocacy for persons who are mentally ill and for education, research and support for them and their families;

(4) the American diabetes association Kansas affiliate, inc. for the purpose of eliminating diabetes through medical research, public education focusing on disease prevention and education, patient education including information on coping with diabetes, and professional education and training;

(5) the American lung association of Kansas, inc. for the purpose of eliminating all lung diseases through medical research, public education including information on coping with lung diseases, professional education and training related to lung disease and other related services to reduce the incidence of disability and death due to lung disease;

(6) the Kansas chapters of the Alzheimer's disease and related disorders association, inc. for the purpose of providing assistance and support to persons in Kansas with Alzheimer's disease, and their families and caregivers;

(7) the Kansas chapters of the Parkinson's disease association for the purpose of eliminating Parkinson's disease through medical research and public and professional education related to such disease;

(8) the national kidney foundation of Kansas and western Missouri for the purpose of eliminating kidney disease through medical research and public and private education related to such disease;

(9) the heartstrings community foundation for the purpose of providing training, employment and activities for adults with developmental disabilities;

(10) the cystic fibrosis foundation, heart of America chapter, for the purposes of assuring the development of the means to cure and control cystic fibrosis and improving the quality of life for those with the disease;

(11) the spina bifida association of Kansas for the purpose of providing financial, educational and practical aid to families and individuals with spina bifida. Such aid includes, but is not limited to, funding for medical devices, counseling and medical educational opportunities;

(12) the CHWC, Inc., for the purpose of rebuilding urban core neighborhoods through the construction of new homes, acquiring and renovating existing homes and other related activities, and promoting economic development in such neighborhoods;

(13) the cross-lines cooperative council for the purpose of providing social services to low income individuals and families;

(14) the dreams work, inc., for the purpose of providing young adult day services to individuals with developmental disabilities and assisting families in avoiding institutional or nursing home care for a developmentally disabled member of their family;

(15) the KSDS, Inc., for the purpose of promoting the independence and inclusion of people with disabilities as fully participating and contributing members of their communities and society through the training and providing of guide and service dogs to people with disabilities, and providing disability education and awareness to the general public;

(16) the lyme association of greater Kansas City, Inc., for the purpose of providing support to persons with lyme disease and public education relating to the prevention, treatment and cure of lyme disease;

(17) the dream factory, inc., for the purpose of granting the dreams of children with critical and chronic illnesses;

(18) the Ottawa Suzuki strings, inc., for the purpose of providing students and families with education and resources necessary to enable each child to develop fine character and musical ability to the fullest potential;

(19) the international association of lions clubs for the purpose of creating and fostering a spirit of understanding among all people for humanitarian needs by

providing voluntary services through community involvement and international cooperation;

(20) the Johnson county young matrons, inc., for the purpose of promoting a positive future for members of the community through volunteerism, financial support and education through the efforts of an all volunteer organization;

(21) the American cancer society, inc., for the purpose of eliminating cancer as a major health problem by preventing cancer, saving lives and diminishing suffering from cancer, through research, education, advocacy and service;

(22) the community services of Shawnee, inc., for the purpose of providing food and clothing to those in need;

(23) the angel babies association, for the purpose of providing assistance, support and items of necessity to teenage mothers and their babies; and

(24) the Kansas fairgrounds foundation for the purpose of the preservation, renovation and beautification of the Kansas state fairgrounds;

(ww) all sales of tangible personal property purchased by the habitat for humanity for the exclusive use of being incorporated within a housing project constructed by such organization;

(xx) all sales of tangible personal property and services purchased by a nonprofit zoo that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, or on behalf of such zoo by an entity itself exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986 contracted with to operate such zoo and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo that would be exempt from taxation under the provisions of this section if purchased directly by such nonprofit zoo or the entity operating such zoo. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo. When any nonprofit zoo shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the nonprofit zoo concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, the nonprofit zoo concerned shall be

liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(yy) all sales of tangible personal property and services purchased by a parent-teacher association or organization, and all sales of tangible personal property by or on behalf of such association or organization;

(zz) all sales of machinery and equipment purchased by over-the-air, free access radio or television station that is used directly and primarily for the purpose of producing a broadcast signal or is such that the failure of the machinery or equipment to operate would cause broadcasting to cease. For purposes of this subsection, machinery and equipment shall include, but not be limited to, that required by rules and regulations of the federal communications commission, and all sales of electricity which are essential or necessary for the purpose of producing a broadcast signal or is such that the failure of the electricity would cause broadcasting to cease;

(aaa) all sales of tangible personal property and services purchased by a religious organization that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, and used exclusively for religious purposes, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization that would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be

liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. Sales tax paid on and after July 1, 1998, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(bbb) all sales of food for human consumption by an organization that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, pursuant to a food distribution program that offers such food at a price below cost in exchange for the performance of community service by the purchaser thereof;

(ccc) on and after July 1, 1999, all sales of tangible personal property and services purchased by a primary care clinic or health center the primary purpose of which is to provide services to medically underserved individuals and families, and that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center that would be exempt from taxation under the provisions of this section if purchased directly by such clinic or center, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such tangible personal property and services purchased by a primary care clinic or health center which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center. When any such clinic or center shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such clinic or center concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a

period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such clinic or center concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(ddd) on and after January 1, 1999, and before January 1, 2000, all sales of materials and services purchased by any class II or III railroad as classified by the federal surface transportation board for the construction, renovation, repair or replacement of class II or III railroad track and facilities used directly in interstate commerce. In the event any such track or facility for which materials and services were purchased sales tax exempt is not operational for five years succeeding the allowance of such exemption, the total amount of sales tax that would have been payable except for the operation of this subsection shall be recouped in accordance with rules and regulations adopted for such purpose by the secretary of revenue;

(eee) on and after January 1, 1999, and before January 1, 2001, all sales of materials and services purchased for the original construction, reconstruction, repair or replacement of grain storage facilities, including railroad sidings providing access thereto;

(fff) all sales of material handling equipment, racking systems and other related machinery and equipment that is used for the handling, movement or storage of tangible personal property in a warehouse or distribution facility in this state; all sales of installation, repair and maintenance services performed on such machinery and equipment; and all sales of repair and replacement parts for such machinery and equipment. For purposes of this subsection, a warehouse or distribution facility means a single, fixed location that consists of buildings or structures in a contiguous area where storage or distribution operations are conducted that are separate and apart from the business' retail operations, if any, and that do not otherwise qualify for exemption as occurring at a manufacturing or processing plant or facility. Material handling and storage equipment shall include aeration, dust control, cleaning, handling and other such equipment that is used in a public grain warehouse or other commercial grain storage facility, whether used for grain handling, grain storage, grain refining or processing, or other grain treatment operation;

(ggg) all sales of tangible personal property and services purchased by or on behalf of the Kansas academy of science, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and used solely by such academy for the preparation, publication and dissemination of education

materials;

(hhh) all sales of tangible personal property and services purchased by or on behalf of all domestic violence shelters that are member agencies of the Kansas coalition against sexual and domestic violence;

(iii) all sales of personal property and services purchased by an organization that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and such personal property and services are used by any such organization in the collection, storage and distribution of food products to nonprofit organizations that distribute such food products to persons pursuant to a food distribution program on a charitable basis without fee or charge, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities used for the collection and storage of such food products for any such organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, that would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. Sales tax paid on and after July 1, 2005, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax

refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(jjj) all sales of dietary supplements dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, "dietary supplement" means any product, other than tobacco, intended to supplement the diet that: (1) Contains one or more of the following dietary ingredients: A vitamin, a mineral, an herb or other botanical, an amino acid, a dietary substance for use by humans to supplement the diet by increasing the total dietary intake or a concentrate, metabolite, constituent, extract or combination of any such ingredient; (2) is intended for ingestion in tablet, capsule, powder, softgel, gelcap or liquid form, or if not intended for ingestion, in such a form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and (3) is required to be labeled as a dietary supplement, identifiable by the supplemental facts box found on the label and as required pursuant to 21 C.F.R. § 101.36;

(lll) all sales of tangible personal property and services purchased by special olympics Kansas, inc. for the purpose of providing year-round sports training and athletic competition in a variety of olympic-type sports for individuals with intellectual disabilities by giving them continuing opportunities to develop physical fitness, demonstrate courage, experience joy and participate in a sharing of gifts, skills and friendship with their families, other special olympics athletes and the community, and activities provided or sponsored by such organization, and all sales of tangible personal property by or on behalf of any such organization;

(mmm) all sales of tangible personal property purchased by or on behalf of the Marillac center, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing psycho-social-biological and special education services to children, and all sales of any such property by or on behalf of such organization for such purpose;

(nnn) all sales of tangible personal property and services purchased by the west Sedgwick county-sunrise rotary club and sunrise charitable fund for the purpose of constructing a boundless playground which is an integrated, barrier free and developmentally advantageous play environment for children of all abilities and disabilities;

(ooo) all sales of tangible personal property by or on behalf of a public library serving the general public and supported in whole or in part with tax money or a not-for-profit organization whose purpose is to raise funds for or provide services or other benefits to any such public library;

(ppp) all sales of tangible personal property and services purchased by or on behalf of a homeless shelter that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal income tax code of 1986, and used by any such homeless shelter to provide emergency and transitional housing for individuals and families experiencing homelessness, and all sales of any such property by or on behalf of any such homeless shelter for any such purpose;

(qqq) all sales of tangible personal property and services purchased by TLC for children and families, inc., hereinafter referred to as TLC, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and such property and services are used for the purpose of providing emergency shelter and treatment for abused and neglected children as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of TLC for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for TLC for any such purpose that would be exempt from taxation under the provisions of this section if purchased directly by TLC. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for TLC. When TLC contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to TLC a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, TLC shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(rrr) all sales of tangible personal property and services purchased by any county law library maintained pursuant to law and sales of tangible personal property and services purchased by an organization that would have been exempt from taxation under the provisions of this subsection if purchased directly by the county law library for the purpose of providing legal resources to attorneys, judges, students and the general public, and all sales of any such property by or on behalf of any such county law library;

(sss) all sales of tangible personal property and services purchased by catholic charities or youthville, hereinafter referred to as charitable family providers, which is

exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing emergency shelter and treatment for abused and neglected children as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of charitable family providers for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for charitable family providers for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by charitable family providers. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for charitable family providers. When charitable family providers contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to charitable family providers a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, charitable family providers shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(ttt) all sales of tangible personal property or services purchased by a contractor for a project for the purpose of restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility owned by a nonprofit museum that has been granted an exemption pursuant to subsection (qq), which such home or facility is located in a city that has been designated as a qualified hometown pursuant to the provisions of K.S.A. 75-5071 et seq., and amendments thereto, and which such project is related to the purposes of K.S.A. 75-5071 et seq., and amendments thereto, and that would be exempt from taxation under the provisions of this section if purchased directly by such nonprofit museum. Nothing in this subsection

shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility for any such nonprofit museum. When any such nonprofit museum shall contract for the purpose of restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to such nonprofit museum a sworn statement on a form to be provided by the director of taxation that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in a home or facility or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such nonprofit museum shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(uuu) all sales of tangible personal property and services purchased by Kansas children's service league, hereinafter referred to as KCSL, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing for the prevention and treatment of child abuse and maltreatment as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of KCSL for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for KCSL for any such purpose that would be exempt from taxation under the provisions of this section if purchased directly by KCSL. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for KCSL. When KCSL contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers

from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to KCSL a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, KCSL shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(vvv) all sales of tangible personal property or services, including the renting and leasing of tangible personal property or services, purchased by jazz in the woods, inc., a Kansas corporation that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing jazz in the woods, an event benefiting children-in-need and other nonprofit charities assisting such children, and all sales of any such property by or on behalf of such organization for such purpose;

(www) all sales of tangible personal property purchased by or on behalf of the Frontenac education foundation, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing education support for students, and all sales of any such property by or on behalf of such organization for such purpose;

(xxx) all sales of personal property and services purchased by the booth theatre foundation, inc., an organization, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such personal property and services are used by any such organization in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling of the booth theatre, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling the booth theatre for such organization, that would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining,

repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. Sales tax paid on and after January 1, 2007, but prior to the effective date of this act upon the gross receipts received from any sale which would have been exempted by the provisions of this subsection had such sale occurred after the effective date of this act shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(yyy) all sales of tangible personal property and services purchased by TLC charities foundation, inc., hereinafter referred to as TLC charities, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of encouraging private philanthropy to further the vision, values, and goals of TLC for children and families, inc.; and all sales of such property and services by or on behalf of TLC charities for any such purpose and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for TLC charities for any such purpose that would be exempt from taxation under the provisions of this section if purchased directly by TLC charities. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging,

furnishing or remodeling such facilities for TLC charities. When TLC charities contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to TLC charities a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be incorporated into the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, TLC charities shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(zzz) all sales of tangible personal property purchased by the rotary club of shawnee foundation, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, as amended, used for the purpose of providing contributions to community service organizations and scholarships;

(aaaa) all sales of personal property and services purchased by or on behalf of victory in the valley, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing a cancer support group and services for persons with cancer, and all sales of any such property by or on behalf of any such organization for any such purpose;

(bbbb) all sales of entry or participation fees, charges or tickets by Guadalupe health foundation, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for such organization's annual fundraising event which purpose is to provide health care services for uninsured workers;

(cccc) all sales of tangible personal property or services purchased by or on behalf of wayside waifs, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing such organization's annual fundraiser, an event whose purpose is to support the care of homeless and abandoned animals, animal adoption efforts, education programs for children and efforts to reduce animal over-population and animal welfare services, and

all sales of any such property, including entry or participation fees or charges, by or on behalf of such organization for such purpose;

(dddd) all sales of tangible personal property or services purchased by or on behalf of goodwill industries or Easter seals of Kansas, inc., both of which are exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing education, training and employment opportunities for people with disabilities and other barriers to employment;

(eeee) all sales of tangible personal property or services purchased by or on behalf of all American beef battalion, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of educating, promoting and participating as a contact group through the beef cattle industry in order to carry out such projects that provide support and morale to members of the United States armed forces and military services;

(ffff) all sales of tangible personal property and services purchased by sheltered living, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing residential and day services for people with developmental disabilities or intellectual disability, or both, and all sales of any such property by or on behalf of sheltered living, inc., for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of rehabilitating, constructing, maintaining, repairing, enlarging, furnishing or remodeling homes and facilities for sheltered living, inc., for any such purpose that would be exempt from taxation under the provisions of this section if purchased directly by sheltered living, inc. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such homes and facilities for sheltered living, inc. When sheltered living, inc., contracts for the purpose of rehabilitating, constructing, maintaining, repairing, enlarging, furnishing or remodeling such homes and facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to sheltered living, inc., a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, sheltered living, inc., shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any

materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(gggg) all sales of game birds for which the primary purpose is use in hunting;

(hhhh) all sales of tangible personal property or services purchased on or after July 1, 2014, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business identified under the North American industry classification system (NAICS) subsectors 1123, 1124, 112112, 112120 or 112210, and the sale and installation of machinery and equipment purchased for installation at any such business. The exemption provided in this subsection shall not apply to projects that have actual total costs less than \$50,000. When a person contracts for the construction, reconstruction, enlargement or remodeling of any such business, such person shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials, machinery and equipment for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to the owner of the business a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor of the contractor, who shall use or otherwise dispose of any materials, machinery or equipment purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed thereon, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(iiii) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for Wichita children's home for any such purpose that would be exempt from taxation under the provisions of this section if purchased directly by Wichita children's home. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for Wichita children's home. When Wichita children's home contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to Wichita children's home a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any

materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, Wichita children's home shall be liable for the tax on all materials purchased for the project, and upon payment, it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(jjjj) all sales of tangible personal property or services purchased by or on behalf of the beacon, inc., that is exempt from federal income taxation pursuant to section 501(c) (3) of the federal internal revenue code, for the purpose of providing those desiring help with food, shelter, clothing and other necessities of life during times of special need;

(kkkk) all sales of tangible personal property and services purchased by or on behalf of reaching out from within, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of sponsoring self-help programs for incarcerated persons that will enable such incarcerated persons to become role models for non-violence while in correctional facilities and productive family members and citizens upon return to the community;
and

(llll) all sales of tangible personal property and services purchased by Gove county healthcare endowment foundation, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of constructing and equipping an airport in Quinter, Kansas, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing and equipping an airport in Quinter, Kansas, for such organization, that would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing or equipping of facilities for such organization. When such organization shall contract for the purpose of constructing or equipping an airport in Quinter, Kansas, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a

certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation no later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. The provisions of this subsection shall expire and have no effect on and after July 1, 2019; and

(mmmm) all sales of gold or silver coins; and palladium, platinum, gold or silver bullion. For the purposes of this subsection, "bullion" means bars, ingots or commemorative medallions of gold, silver, platinum, palladium, or a combination thereof, for which the value of the metal depends on its content and not the form.;

Also on page 11, in line 22, by striking "is" and inserting ", 12-189 and 79-3606 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the comma by inserting "Dickinson, Jackson, Russell, Thomas and"; also in line 2, by striking "county" and inserting "counties; exemptions, sales of certain coins or bullion"; in line 3, after "12-187" by inserting ", 12-189 and 79-3606"; also in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Ethics, Elections and Local Government** recommends **HB 2188** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Federal and State Affairs** recommends **SB 218** be passed.

Also, **SB 206** be amended on page 1, in line 10, after the first "the" by inserting "chief of the organized fire department, regular or volunteer, or the chief law enforcement officer if no local fire department exists, and assisted by the"; also in line 10, by striking all after the period; by striking all in lines 11 through 13; in line 17, after "laws" by inserting "enforced or administered"; in line 19, by striking the comma and inserting "that are"; also in line 19, by striking "agents" and inserting "persons"; in line 20, by striking "the agents" and inserting "their";

And the bill be passed as amended.

HB 2133, as amended by House Committee, be amended on page 1, in line 15, after the period by inserting "Except as provided for in subsection (d),"; in line 27, after "(d)" by inserting "The reports required by subsection (a) that are made available for public inspection shall not include the information required by subsection (a)(3). The provisions of this subsection providing for the confidentiality of certain public records shall expire on July 1, 2024, unless the legislature reviews and reenacts such provisions in accordance with K.S.A. 45-229, and amendments thereto, prior to July 1, 2024.

(e)";

And the bill be passed as amended.

HB 2223, as amended by House Committee, be amended on page 3, in line 37, by striking "or"; in line 38, by striking all before "not" and inserting "with"; in line 39, by striking the semicolon and inserting "or other type of agricultural producer with an annual harvest of"; in line 40, by striking the semicolon; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 228** be passed.

Also, **HB 2031**, as amended by House Committee, be amended on page 6, in line 7, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

HB 2119, as amended by House Committee, be amended on page 3, in line 17, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

HB 2140 be amended on page 2, in line 20, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2034**, as amended by House Committee, be amended on page 2, in line 3, after "(g)" by inserting "'Good faith' means honesty in fact and the observance of reasonable standards of fair dealing.

(h) ";

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

On page 4, in line 32, by striking all after "signed"; by striking all in lines 33 and 34; in line 35, by striking all before the period and inserting "by the terminating party";

On page 6, by striking all in lines 31 and 32;

On page 7, in line 2, after "assistance" by inserting ", unless a court has determined that the principal does not have capacity"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 194**; **HB 2199** be passed.

Also, **SB 232** be amended on page 4, in line 41, after "that" by inserting "substantially"; in line 43, after "due" by inserting "in the ordinary course of business";

On page 6, in line 41, after "licensee" by inserting "that is under receivership";

On page 11, in line 9, after "owner" by inserting ", operator"; in line 22, by striking "nonexempt" and inserting "non-exempt"; and the bill be passed as amended.

HB 2185, as amended by House Committee, be amended on page 2, following line 41, by inserting:

"Sec. 2. K.S.A. 65-7302 is hereby amended to read as follows: 65-7302. As used in this act:

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

(b) "Ionizing radiation" means x-rays, gamma rays, alpha and beta particles, high speed electrons, protons, neutrons and other nuclear particles capable of producing ions directly or indirectly in its passage through matter.

(c) "License" means a certificate issued by the board authorizing the licensee to perform radiologic technology procedures on humans for diagnostic or therapeutic purposes.

(d) "Licensed practitioner" means a person licensed to practice medicine and surgery, dentistry, podiatry or chiropractic in this state, or a person licensed as a physician assistant, advanced practice registered nurse or naturopathic doctor in this

state.

(e) "Licensure" and "licensing" mean a method of regulation by which the state grants permission to persons who meet predetermined qualifications to engage in a health related occupation or profession.

(f) "Nuclear medicine technologist" means a person who uses radio pharmaceutical agents on humans for diagnostic or therapeutic purposes.

(g) "Nuclear medicine technology" means the use of radio nuclides on human beings for diagnostic or therapeutic purposes.

(h) "Radiation therapist" means a person who applies radiation to humans for therapeutic purposes.

(i) "Radiation therapy" means the use of any radiation procedure or article intended for the cure, mitigation or prevention of disease in humans.

(j) "Radiographer" means a person who applies radiation to humans for diagnostic purposes.

(k) "Radiography" means the use of ionizing radiation on human beings for diagnostic purposes.

(l) "Radiologic technologist" means any person who is a radiographer, radiation therapist or nuclear medicine technologist.

(m) "Radiologic technology" means the use of radioactive substance or equipment emitting or detecting ionizing radiation on humans for diagnostic or therapeutic purposes upon prescription of a licensed practitioner. The term includes the practice of radiography, nuclear medicine technology and radiation therapy, but does not include echocardiography, diagnostic sonography and magnetic resonance imaging.

~~(n) This section shall take effect on and after July 1, 2005."~~

Also on page 2, in line 42, by striking "is" and inserting "and 65-7302 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "65-7202" by inserting "and 65-7302"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Utilities** recommends **HB 2084**, as amended by House Committee of the Whole, be amended on page 11, in line 32, by striking "\$.82" and inserting "\$.90";

On page 16, in line 6, after "(b)" by inserting "(1)"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SR 1722, SR 1723, SR 1725 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 21, 2019.

On motion of Senator Denning, the Senate adjourned until 8:00 a.m., Friday, March 22, 2019.

Journal of the Senate

FORTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, March 22, 2019, 8:00 a.m.

The Senate was called to order by Vice President Longbine.
The roll was called with 34 senators present.
Senators Denning, Doll, Hensley, Masterson, Wagle and Ware were excused.
Invocation by Senator Richard Hilderbrand:

Heavenly Father, we thank you for being with us today. We pray that You grant us humility with our actions, wisdom with our decisions and patience with our peers. We give you all the glory. It's in Your name we pray. Amen.

The Pledge of Allegiance was led by Vice President Longbine.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Assessment and Taxation: **SB 235**.

REFERENCE OF APPOINTMENTS

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

Secretary, Department of Agriculture:

Michael Beam, to serve at the pleasure of the Governor.
(Agriculture and Natural Resources)

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2041**, **HB 2066**, **HB 2082**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2041, **HB 2066**, **HB 2082** were thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2167** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2167," as follows:

"Senate Substitute for HOUSE BILL No. 2167

By Committee on Agriculture and Natural Resources

AN ACT concerning industrial hemp; establishing a commercial industrial hemp

program; amending K.S.A. 65-4101, 65-4105 and K.S.A. 2018 Supp. 2-3901, 2-3902, 2-3903, 21-5701 and 21-5702 and repealing the existing sections; also repealing K.S.A. 65-4101c and 65-4105b and K.S.A. 2018 Supp. 21-5701a.";

And the substitute bill be passed.

Committee on **Education** recommends **HB 2144**, as amended by House Committee, be amended on page 3, in line 24, after "(i)" by inserting "(1) Subject to paragraph (2),"; also in line 24, by striking "budgeted" and inserting "disbursed"; in line 25, after the comma by inserting "foundation scholarships and pell grants,"; in line 26, by striking "budgeted" and inserting "disbursed"; in line 27, by striking "(1)" and inserting "(A)"; following line 34, by inserting:

"(2) No aggregate information required to be reported pursuant to paragraph (1) shall be reported if such information could identify a student with reasonable certainty.";

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

On page 4, in line 29, after "on" by inserting "the community college's website."; in line 30, by striking "that"; in line 31, by striking all before the period and inserting "regarding student fees shall guide students to such website address";

On page 7, in line 41, after "after" by inserting "July 1, 2020, and"; and the bill be passed as amended.

Also, **HB 2168**, as amended by House Committee, be amended on page 1, in line 11, by striking all before the stricken material; in line 24, by striking all following the stricken material; by striking all in lines 25 and 26; in line 27, by striking "(2)";

On page 2, in line 16, by striking "conveyances" and inserting "conveyance"; in line 26, by striking "conveyances" and inserting "conveyance"; in line 27, by striking all after "of"; in line 28, by striking all before "K.S.A.";

On page 3, in line 10, by striking "75-3043a or";

On page 4, in line 4, by striking "75-3043a or";

On page 1, in the title, in line 3, by striking "Cherokee"; also in line 3, by striking the first comma; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2248** be amended on page 1, in line 8, after "(b)," by inserting "(c) or (d),"; in line 20, after "(c)" by inserting: "Notwithstanding the provisions of subsection (a), all-terrain vehicles may be operated to cross a federal highway or state highway.

(d) Notwithstanding the provisions of subsection (a), persons engaged in agricultural purposes may operate an all-terrain vehicle on a federal highway or state highway under the following conditions:

(1) The operator of the all-terrain vehicle must be a licensed driver and be operating within the restrictions of the operator's license;

(2) the federal highway or state highway must have a posted speed limit of 65 miles per hour or less;

(3) the operator of the all-terrain vehicle must operate the all-terrain vehicle as near to the right side of the roadway as practicable, except when making or preparing to make a left turn; and

(4) the purpose of the trip using the all-terrain vehicle must be for agricultural purposes.

(e)";

Also on page 1, by striking all in lines 23 through 26;

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

Also, on page 1, following line 28, by inserting:

"Sec. 2. K.S.A. 2018 Supp. 8-15,109 is hereby amended to read as follows: 8-15,109. (a) It shall be unlawful for any person to operate a work-site utility vehicle: (1) On any interstate highway, federal highway or state highway; or (2) within the corporate limits of any city unless authorized by such city.

(b) Notwithstanding the provisions of subsection (a), work-site utility vehicles may be operated to cross a federal highway or state highway.

(c) Notwithstanding the provisions of subsection (a), persons engaged in agricultural purposes may operate a work-site utility vehicle on a federal highway or state highway under the following conditions:

(1) The operator of the work-site utility vehicle must be a licensed driver and be operating within the restrictions of the operator's license;

(2) the federal highway or state highway must have a posted speed limit of 65 miles per hour or less;

(3) the operator of the work-site utility vehicle must operate the all-terrain vehicle as near to the right side of the roadway as practicable, except when making or preparing to make a left turn; and

(4) the purpose of the trip using the work-site utility vehicle must be for agricultural purposes.

(d) No work-site utility vehicle shall be operated on any public highway, street or road between sunset and sunrise unless equipped with lights as required by law for motorcycles.

~~(e)~~(e) This section shall be part of and supplemental to the uniform act regulating traffic on highways.";

Also on page 1, in line 29, by striking "is" and inserting "and 8-15,109 are";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, after "all-terrain" by inserting "and work-site utility"; in line 2, by striking "all-terrain"; also in line 2, by striking "cross" and inserting "operate on a"; also in line 2, after "highway" by inserting "under certain conditions"; in line 3, after "8-15,100" by inserting "and 8-15,109"; in line 4, by striking "section" and inserting "sections"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SR 1724, SR 1726, SR 1727, SR 1728, SR 1729, SR 1730 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 22, 2019.

TRIBUTES

The Committee on **Organization, Calendar, and Rules** authorizes the following tributes for the week of March 18 through March 22, 2019:

Senator Braun: congratulating the Piper High School Boys Basketball Team on winning the 2019 Class 4A State Championship;

Senator Faust-Goudeau: congratulating Hailey Colborn on being named Miss Teen USA;

Senator Holland: celebrating American Legion's 100th Anniversary; and

Senator Lynn: congratulating the Kansas State School for the Deaf on their qualification in the Midwest Regional Academic Bowl for the National Finals Competition.

On motion of Senator Kerschen, the Senate adjourned until 10:00 a.m., Monday, March 25, 2019.

Journal of the Senate

FORTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 25, 2019, 10:00 a.m.

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

Lord, God, You are pure and holy, clearly untainted by the conditions and mindsets of this world. Yet You touch us and even embrace us without Yourself becoming contaminated.

Your Word confirms for us in Psalms 40:11-12, Psalms 50:1 and Lamentations 3:22-24 that because of Your unfailing love for us and because of the multitude of Your tender mercies toward us, we are not consumed. But You touch us to make us better. And, Lord, that's what we want. We want to be better in every area; better in our personal lives, better in our public lives, better in our service to society.

So, with all the troubling problems that come at us, remind us that Your grace is here upon us and Your mercies are here and new every morning. Help us now to move forward under Your divine guidance. I come to You, by Your grace and mercy, in the Name of Jesus, Amen.

The Pledge of Allegiance was led by President Wagle.

MESSAGES FROM THE GOVERNOR

March 21, 2019

Message to the Senate of the State of Kansas

Enclosed is Executive Order 19-05 for your information.

Laura Kelly
Governor

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

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2179**.
Announcing passage of **SB 105**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2179 was thereupon introduced and read by title.

COMMITTEE OF THE WHOLE

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

On motion of Senator Hardy the following report was adopted:

SB 210; HB 2101, HB 2104, HB 2215 be passed.

HB 2103 be amended by motion of Senator Suellentrop, on page 12, in line 42, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

A motion by Senator Haley to amend **HB 2104** failed.

HB 2084, HB 2085, HB 2177, HB 2203 be amended by the adoption of the committee amendments, and the bills be passed as amended.

HB 2246 be amended by the adoption of the committee amendments, be amended by motion of Senator Braun; on page 12, in line 10, by striking all after "discharged"; in line 11, by striking all before the comma;

On page 13, in line 2, by striking all after "discharged"; in line 3, by striking all before the comma; in line 38, by striking "or received a general discharge under honorable conditions";

On page 14, in line 31, by striking "or received a general discharge under honorable conditions";

On page 15, in line 24, by striking "or received a general discharge under honorable conditions"; and **HB 2246** be passed as further amended.

The committee report on **HB 2007** recommending **S Sub HB 2007** be adopted, be amended by motion of Senator Petersen; on page 5, in line 19, by striking the semicolon and inserting a period; and the substitute bill be passed as amended.

The committee report on **HB 2214** recommending **S Sub HB 2214** be adopted, and the substitute bill be passed.

SB 194 be passed over and retain a place on the calendar.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 91** be amended on page 7, in line 25, after the semicolon by inserting "and"; in line 26, by striking all after "less"; in line 27, by striking all before the period; in line 37, by striking all after "own"; in line 41, by striking "or rent";

On page 11, in line 12, by striking "(2) or";

On page 13, following line 5, by inserting:

"Sec. 24. K.S.A. 2018 Supp. 79-32,119 is hereby amended to read as follows: 79-32,119. The Kansas standard deduction of an individual, including a husband and wife who are either both residents or who file a joint return as if both were residents, shall be equal to the sum of the standard deduction amount allowed pursuant to this section, and the additional standard deduction amount allowed pursuant to this section for each such deduction allowable to such individual or to such husband and wife under the federal internal revenue code. ~~For tax year 1998 through tax year 2012, the standard deduction amount shall be as follows: Single individual filing status, \$3,000; married filing status, \$6,000; and head of household filing status, \$4,500.~~ For tax year 1998, and all tax years thereafter, the additional standard deduction amount shall be as follows: Single

individual and head of household filing status, \$850; and married filing status, \$700. For tax year 2013, ~~and all tax years thereafter through tax year 2018~~, the standard deduction amount of an individual, including husband and wife who are either both residents or who file a joint return as if both were residents, shall be as follows: Single individual filing status, \$3,000; married filing status, \$7,500; and head of household filing status, \$5,500. For tax year 2019, and all tax years thereafter, the standard deduction amount of an individual, including husband and wife who are either both residents or who file a joint return as if both were residents, shall be as follows: Single individual filing status, \$3,500; married filing status, \$8,500; and head of household filing status, \$6,000. For purposes of the foregoing, the federal standard deduction allowable to a husband and wife filing separate Kansas income tax returns shall be determined on the basis that separate federal returns were filed, and the federal standard deduction of a husband and wife filing a joint Kansas income tax return shall be determined on the basis that a joint federal income tax return was filed.";

Also on page 13, in line 6, after "Supp." by inserting "79-32,119,";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "to" by inserting "disabled veteran"; also in line 3, after the second semicolon by inserting "standard deduction,"; in line 4, after "Supp." by inserting "79-32,119,"; and the bill be passed as amended.

Also, **SB 104** be amended on page 1, in line 17, by striking all after "include"; in line 18, by striking all before "any" and inserting "the following:

(1) An individual licensed as a certified public accountant in this state under K.S.A. 1-302b or 1-322, and amendments thereto;

(2) an individual licensed as a certified public accountant in another licensing jurisdiction and practicing in this state under K.S.A. 1-302b or 1-322, and amendments thereto;

(3) an individual employed by a firm licensed in this state under K.S.A. 1-308, and amendments thereto, and preparing a return under the supervision of an individual described in paragraph (1) or (2); or

(4)"; and the bill be passed as amended.

SB 123 be amended on page 37, in line 12, by striking "kids need to eat, inc., which" and inserting "a nonprofit organization that"; in line 14, by striking all after "code"; by striking all in line 15; in line 16, by striking all before the period and inserting "and is a sponsor organization of the United States department of agriculture summer food service program approved by the Kansas department of education, for the purpose of such summer food service program";

Also on page 37, in line 19, by striking "statute book" and inserting "Kansas register";

On page 1, in the title, in line 1, by striking all after the second semicolon; in line 2, by striking all before the semicolon and inserting "approved nonprofit sponsor of summer food service program"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2038**, **HB 2105**, **HB 2360** be passed.

Committee on **Transportation** recommends **HB 2070** be amended on page 1, following line 33, by inserting:

"New Sec. 3. Bridge no. 018-011 located on United States highway 77 in Cowley county is hereby designated as the SGT Kevin A. Gilbertson memorial bridge. Upon compliance with K.S.A. 68-10,114, and amendments thereto, the secretary of

transportation shall place suitable signs to indicate the bridge is the SGT Kevin A. Gilbertson memorial bridge.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, after "ACT" by inserting "concerning roads and highways;"; in line 2, after "highway" by inserting "and a bridge on United States highway 77 as the SGT Kevin A. Gilbertson memorial bridge"; and the bill be passed as amended.

Also, **HB 2087**, as amended by House Committee, be amended on page 1, in line 33, by striking "88%" and inserting "78%";

On page 2, in line 4, after the semicolon by inserting "and"; in line 5, by striking all after "(4)"; by striking all in lines 6 through 11; in line 12, by striking "(5)"; and the bill be passed as amended.

Also, **HB 2125** be passed.

Also, **HB 2225** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2225," as follows:

"Senate Substitute for HOUSE BILL No. 2225

By Committee on Transportation

"AN ACT regulating traffic; relating to oversize and overweight vehicles, permit fees; escort vehicle service, registration; amending K.S.A. 2018 Supp. 8-1911 and repealing the existing section.";

And the substitute bill be passed.

CHANGE OF REFERENCE

The President withdrew **SB 91** from the Calendar under the heading of **General Orders**, and referred the bill to the Committee on **Select Committee on Federal Tax Code Implementation**.

The President withdrew **SB 152** from the Calendar under the heading of **General Orders**, and rereferred the bill to the Committee on **Agriculture and Natural Resources**.

The President withdrew **SB 235** from the Committee on **Assessment and Taxation**, and referred to the calendar under the heading of **General Orders**.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Tuesday, March 26, 2019.

Journal of the Senate

FORTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 26, 2019, 10:00 a.m.

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

The roll was called with 39 senators present.

Senator Wagle was excused.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, we come before You today with much to do. There are so many needs to address. We truly need Your direction. What to prioritize, which way to go, what to let go, what should be on the list and what will others think of my list. Lord, Your guidance is needed here.

We're serving here and we're serving over there. Sometimes it feels like we're serving everywhere. Yet, in the midst of all the hustle and bustle, that quiet comforting voice of Your Spirit comes through reminding us that You've got this! If we make Your business our business, You will make our business Your business. And You can do more with our business than we can.

You said in Matthew 6:19-34, that if we give priority to treating Your Name with reverence to advancing the rule of Your Kingdom for Your will to be done; if we treasure as first priority Your will and Your way, there'll be nothing for us to worry about. For just as You provide for the birds of the air and the lilies of the field, we can know that You'll provide for us.

So keep us focused, Lord, on Your priorities for Your glory and for our good. I thank You, Father, for hearing the prayer of one of Your kids. In Jesus' Name, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 236, AN ACT concerning sales taxation; relating to countywide retailers' sales tax, ballot authority, rate limitations, apportionment; amending K.S.A. 2018 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections, by Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Financial Institutions and Insurance: **HB 2041**.

Public Health and Welfare: **HB 2066**, **HB 2082**.

Transportation: **HB 2179**.

CONSIDERATION OF APPOINTMENTS

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

Senator Denning moved the following appointments be confirmed as recommended by the Committee on **Assessment and Taxation** and the Committee on **Transportation**.

By the Governor

On the appointment to the:

Department of Revenue:

Mark Burghart, serves at the pleasure of the Governor.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Nays: Doll.

Absent or Not Voting: Wagle.

The appointment was confirmed.

By the Governor

On the appointment to the:

Department of Transportation:

Julie Lorenz, serves at the pleasure of the Governor.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Nays: Doll.

Absent or Not Voting: Wagle.

The appointment was confirmed.

FINAL ACTION ON CONSENT CALENDAR

HB 2188, HB 2201, having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

HB 2188, AN ACT concerning the dissolution of taxing entities; providing for the dissolution of the White Clay watershed district no. 26; relating to the tax lid; amending K.S.A. 2018 Supp. 79-2925c and repealing the existing section.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley,

Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Absent or Not Voting: Wagle.

The bill passed.

HB 2201, AN ACT concerning the department of health and environment; relating to powers, duties and functions; tuberculosis program; updating statutory references necessitated by 2012 executive reorganization order no. 41; amending K.S.A. 65-116i, 65-116k, 65-116l and 65-116m and repealing the existing sections.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Absent or Not Voting: Wagle.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 210, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; eligible employees; direct support positions of community developmental disability organizations; amending K.S.A. 74-4911 and repealing the existing section, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Absent or Not Voting: Wagle.

The bill passed.

S Sub HB 2007, AN ACT concerning transportation; relating to toll projects; authorizing certain toll projects for new projects or expanded capacity; required approval from local units of government, the Kansas turnpike authority and the state finance council; changing toll project financing requirements; amending K.S.A. 68-2001, 68-2002, 68-2004, 68-2008, 68-20,120 and 68-2301 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Nays: Pilcher-Cook.

Absent or Not Voting: Wagle.

The substitute bill be passed as amended.

HB 2084, AN ACT concerning the Kansas 911 act; relating to emergency services; 911 fees, collection and distribution; amending K.S.A. 2018 Supp. 12-5363, 12-5364, 12-5365, 12-5366, 12-5367, 12-5368, 12-5369, 12-5370, 12-5371, 12-5372, 12-5373, 12-5374, 12-5375, 12-5376, 12-5377, 12-5378, 12-5380 and 19-101a and repealing the existing sections; also repealing K.S.A. 2018 Supp. 12-5327, 12-5338 and 12-5361, was considered on final action.

On roll call, the vote was: Yeas 36; Nays 3; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Ware, Wilborn.

Nays: Hilderbrand, Pilcher-Cook, Tyson.

Absent or Not Voting: Wagle.

The bill passed, as amended.

HB 2085, AN ACT concerning water; relating to public water supply systems; municipal loans; reinstatement of rural water district benefit units; amending K.S.A. 65-163i and K.S.A. 2018 Supp. 82a-621 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Absent or Not Voting: Wagle.

The bill passed, as amended.

HB 2101, AN ACT concerning financial institutions; relating to credit unions; enacting the state credit union code; amending K.S.A. 17-2201, 17-2203, 17-2204a, 17-2207, 17-2209, 17-2214, 17-2215, 17-2217, 17-2226, 17-2229, 17-2230, 17-2231 and 17-2268 and K.S.A. 2018 Supp. 17-2202, 17-2204, 17-2206, 17-2208, 17-2210, 17-2211, 17-2216, 17-2216a, 17-2219, 17-2221a, 17-2228, 17-2233, 17-2234, 17-2246 and 17-2263 and repealing the existing sections; also repealing K.S.A. 17-2224, 17-2225 and 17-2242, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Absent or Not Voting: Wagle.

The bill passed.

HB 2103, AN ACT concerning children and minors; relating to the revised Kansas

code for care of children; placement of a child in a qualified residential treatment program; amending K.S.A. 2018 Supp. 23-2210, 38-2202, 38-2234 and 38-2264 and repealing the existing sections; also repealing K.S.A. 2017 Supp. 38-2202, as amended by section 9 of chapter 107 of the 2018 Session Laws of Kansas, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Absent or Not Voting: Wagle.

The bill passed, as amended.

HB 2104, AN ACT concerning driving under the influence; relating to testing; notice; preliminary screening; amending K.S.A. 2018 Supp. 8-1001, 8-1012, 8-2118 and 75-712h and repealing the existing sections; also repealing K.S.A. 2018 Supp. 8-1025, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Absent or Not Voting: Wagle.

The bill passed.

EXPLANATION OF VOTE

Mr. Vice President: I VOTE “AYE” ON **HB 2104** REGARDING DUI TESTING AND PRELIMINARY SCREENING. Assuming the House has well vetted this bill (leading to its unanimous passage there), I trust that this Legislature has reconciled some of the Supreme Court’s rationale in suspected driving-under-the-influence cases where the driver refuses to take the “breathalyzer” and automatically faced criminal sanctions; prior to the Supreme Court overturning the measure on constitutional grounds. This bill appears to yet prescribe, for the same refusal, administrative sanctions including, but not limited to, suspension for first time DUI offenders. I hesitate to support a first-time potential DUI offender’s loss of driving privileges for simply wishing to invoke a Fifth Amendment to the Constitution right against self-incrimination by refusing to take a breathalyzer test. To compound this offense, I continue to hope we undo the travesty, undergirded by an “ignition interlock” industry committed not so much to public safety but more to its bottom-line, that has perverted the original intent of Kansas’ DUI laws that offered an OPTION to a first-time DUI offender to drive with ignition interlock during suspension into a MANDATORY ignition interlock sentence before license privileges are restored. So unnecessary and needlessly expensive.—DAVID HALEY

HB 2177, AN ACT concerning insurance; relating to fixed index annuity contracts;

accounting treatment of certain derivative instruments; risk-based capital requirements; version of instructions in effect; amending K.S.A. 2018 Supp. 40-2c01 and repealing the existing section, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Absent or Not Voting: Wagle.

The bill passed, as amended.

HB 2203, AN ACT concerning retirement and pensions; relating to the Kansas public employee retirement system; employment after retirement; exempting individuals employed by the Kansas academies of the United States department of defense STARBASE program; certain retirants from penalties; authorizing reimbursement of certain suspended retirement benefits; amending K.S.A. 74-4914 and repealing the existing section, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Absent or Not Voting: Wagle.

The bill passed, as amended.

S Sub HB 2214, AN ACT concerning motor vehicles; relating to registration fees; electric and hybrid vehicles; amending K.S.A. 2018 Supp. 8-143 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 36; Nays 3; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Rucker, Skubal, Suellentrop, Sykes, Taylor, Ware, Wilborn.

Nays: Hilderbrand, Pyle, Tyson.

Absent or Not Voting: Wagle.

The substitute bill passed.

HB 2215, AN ACT concerning the Kansas state fair board; authorizing the board to establish a nonprofit corporation for the benefit of the state fair; amending K.S.A. 74-520a and repealing the existing section, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen,

Petty, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Present and Passing: Francisco.

Absent or Not Voting: Wagle.

The bill passed.

EXPLANATION OF VOTE

Mr. Vice President: I vote "PASS" on **HB 2215**. I believe that if we allow the creation of this non-profit corporation for the benefit of the Kansas State Fair, at a minimum we should require that corporation to adopt written investment guidelines prior to making any investments.—MARC FRANCISCO

HB 2246, AN ACT concerning motor vehicles; relating to distinctive license plates; changing the requirements for distinctive and educational institution license plate production; providing for the proud educator, alpha kappa alpha, knights of Columbus and current and veteran members of the United States army, navy, marine corps, air force and coast guard license plates; amending K.S.A. 2018 Supp. 8-1,141, 8-1,142 and 8-1,147 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Petty, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Absent or Not Voting: Wagle.

The bill passed, as amended.

COMMITTEE OF THE WHOLE

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

SB 218, SB 228, SB 235; HB 2125 be passed.

HB 2038 be amended by motion of Senator Wilborn; on page 4, following line 16, by inserting:

"(i) This section shall be a part of and supplemental to the Kansas probate code."; and the bill be passed as amended.

HB 2031, HB 2033, HB 2070, HB 2087, HB 2119, HB 2140, HB 2144, HB 2160, HB 2168, HB 2087, HB 2223 be amended by the adoption of the committee amendments, and the bills be passed as amended.

SB 232 be amended by the adoption of the committee amendments, be further amended by motion of Senator Berger; on page 4, in line 41, by striking all after the comma; in line 42, by striking all before "has"; and the bill be passed as further amended.

HB 2248 be amended by the adoption of the committee amendments, be further amended by motion of Senator Braun; on page 1, in line 23, after "(a)" by inserting "(1)";

On page 2, in line 15, after "(a)" by inserting "(1)"; and the bill be passed as further amended.

Committee report on **HB 2225** recommending **S Sub HB 2225** be adopted, and the substitute bill be passed.

The Committee rose and reported progress (See Committee of the Whole afternoon session.)

On motion of Senator Denning the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with Vice President Longbine in the chair.

COMMITTEE OF THE WHOLE

The Senate returned to Committee of the Whole with Senator Braun in the chair.

On motion of Senator Braun the report for the morning and the following afternoon session was adopted.

HB 2185 be amended by the adoption of the committee amendments, be passed over and retain a place on the calendar.

SB 104, SB 108; HB 2199 be passed over and retain a place on the calendar.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2018, HB 2054, HB 2137, HB 2173, HB 2274, HB 2307, HB 2314, HB 2389, HB 2396.**

Announcing passage of **SB 60, SB 68, SB 71, SB 82, SB 90, SB 94, SB 97, SB 128, SB 199.**

Also, announcing passage of **SB 15**, as amended; **SB 16**, as amended by House Substitute for **SB 16**; **SB 18**, as amended; **SB 20**, as amended; **SB 25**, as amended by House Substitute for **SB 25**; **SB 28**, as amended; **SB 53**, as amended; **SB 63**, as amended; **SB 66**, as amended; **SB 67**, as amended; **SB 69**, as amended; **SB 77**, as amended; **SB 78**, as amended.

The House concurs in Senate amendments to **HB 2035.**

The House nonconcur in Senate amendments to **HB 2126**, requests a conference and has appointed Representatives Proehl, Thimesch and Helgerson as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2209**, requests a conference and has appointed Representatives Vickrey, Cox and Neighbor as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2018, HB 2054, HB 2137, HB 2173, HB 2274, HB 2307, HB 2314, HB 2389, HB 2396 were thereupon introduced and read by title.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Petersen the Senate nonconcurred in the House amendments to **SB 63** and requested a conference committee be appointed.

The Vice President appointed Senators Petersen, Goddard and Pettey as a conference committee on the part of the Senate.

Senator Masterson moved the Senate concur in House amendments to **Sub SB 69**.

Sub SB 69, AN ACT concerning electric utilities; requiring a study of electric rates; relating to the legislative coordinating council; state corporation commission.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Nays: Pyle.

Present and Passing: Francisco.

Absent or Not Voting: Wagle.

The Senate concurred.

EXPLANATION OF VOTE

Mr. Vice President: I VOTE "AYE" AGAIN ON **SUBSTITUTE FOR SB 69 AS AMENDED TECHNICALLY BY THE HOUSE**: As stated in my Explanation of Vote on this bill at first passage (Journal 3/14/19), the Board of Public Utility (BPU) related amendment offered to this bill failed on voice vote. It would simply allow any customer-ratepayer of a BPU, typically a municipally-operated utility, to write our Kansas Corporation Commission (KCC) for information pertaining to rule, charge, practice or procedure and to require the KCC to provide information to such customer whether such rule, change, practice or procedure differs, and to what extent, for customers of electric utilities that ARE regulated by KCC. Without such a provision, the KCKS BPU is still able to indiscriminately keep heinous policies in play without an "apple-to-apple" comparison as to how such practices are implemented to other Kansas utilities which our KCC DOES regulate. But this underlying substitute bill surprisingly DOES opt to include the KCKS BPU; one of several municipal utilities chosen to be included in the study! Vowing continuance to bring KCC access to the KCKS BPU ratepayers one day, this future study, however small in its impact on us in KCKS, is a step in that direction acknowledging that ALL Kansas utility consumers deserve neutral response and review to patterns and practices.—DAVID HALEY

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **HB 2039, HB 2191, HB 2206 HB 2211, HB 2281** be passed,

Also, **SB 219** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 219," as follows:

"Substitute for SENATE BILL No. 219

By Committee on Judiciary

"AN ACT concerning consumer protection; relating to the scrap metal theft reduction act; creating the scrap metal data repository fund; scrap metal transaction requirements; dealer registration; amending K.S.A. 2018 Supp. 50-6,109a, 50-6,110, 50-6,112a and 50-6,112b and repealing the existing sections."; and the substitute bill be passed.

SB 157 be amended on page 1, following line 5, by inserting:

"Section 1. K.S.A. 2018 Supp. 23-3211 is hereby amended to read as follows: 23-3211. As used in article 32 of chapter 23 of the Kansas Statutes Annotated, and amendments thereto:

(a) "Temporary parenting plan" means an agreement or order issued defining the legal custody, residency and parenting time to be exercised by parents with regard to a child between the time of filing of a matter in which a parenting plan may be entered, and any other provisions regarding the child's care which may be in the best interest of the child, until a final order is issued.

(b) "Permanent parenting plan" means an agreement between parents which is incorporated into an order at a final hearing or an order or decree issued at a final hearing without agreement that establishes legal custody, residency, parenting time and other matters regarding a child custody arrangement in a matter in which a parenting plan may be entered.

(c) "Legal custody" means the allocation of parenting responsibilities between parents, or any person acting as a parent, including decision making rights and responsibilities pertaining to matters of child health, education and welfare.

(d) "Joint legal custody" means that both parents retain the decision-making authority for the most important issues affecting a child's life, including health, education and welfare, and neither parent has the right to decide such matters without receiving input from or consulting with the other parent.

(e) "Parenting time" means the schedule of time when each parent has actual physical access to a child, during which the scheduled parent is responsible for the physical care and supervision of the child.

(f) "Equal parenting time" means that a child's actual physical access to each parent is regular and equal or nearly equal."

Also on page 1, in line 17, after "(c)" by inserting "(1) If there is presentation of documentation or other information by a parent that would support a finding of good cause that domestic abuse has occurred or is occurring, there shall be a presumption that it is not in the best interests of the child for the parents to have temporary joint legal custody and share equally in parenting time.

(2)";

Also on page 1, in line 19, after "joint" by inserting "legal";

On page 2, in line 7, after "Supp." by inserting "23-3211 and"; also in line 7, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "Supp." by inserting "23-3211 and"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

HB 2048, as amended by House Committee, be amended on page 3, in line 26, by striking "(i)"; also in line 26, by inserting after the comma "the felony crime shall be classified as follows:

(i) ";

On page 4, in line 11, after "felony" by inserting "offense that resulted in the"; in line 13, by striking "that resulted in the out-of-state conviction"; in line 22, after "as" by inserting "a"; also in line 22, after "nonperson" by inserting "felony"; in line 23, by striking all after "offense"; in line 24, by striking "adjudication";

On page 5, by striking all in lines 25 and 26; following line 26, by inserting:

"Sec. 2. K.S.A. 2018 Supp. 21-6820 is hereby amended to read as follows: 21-6820. (a) A departure sentence is subject to appeal by the defendant or the state. The appeal shall be to the appellate courts in accordance with rules adopted by the supreme court.

(b) Pending review of the sentence, the sentencing court or the appellate court may order the defendant confined or placed on conditional release, including bond.

(c) On appeal from a judgment ~~of~~ of conviction entered for a felony committed on or after July 1, 1993, the appellate court shall not review:

(1) Any sentence that is within the presumptive sentence for the crime; or

(2) any sentence resulting from an agreement between the state and the defendant which the sentencing court approves on the record.

(d) In any appeal from a judgment of conviction imposing a sentence that departs from the presumptive sentence prescribed by the sentencing grid for a crime, sentence review shall be limited to whether the sentencing court's findings of fact and reasons justifying a departure:

(1) Are supported by the evidence in the record; and

(2) constitute substantial and compelling reasons for departure.

(e) In any appeal from a judgment of conviction, the appellate court may review a claim that:

(1) A sentence that departs from the presumptive sentence resulted from partiality, prejudice, oppression or corrupt motive;

(2) the sentencing court erred in either including or excluding recognition of a prior conviction or juvenile adjudication for criminal history scoring purposes; or

(3) the sentencing court erred in ranking the crime severity level of the current crime or in determining the appropriate classification of a prior conviction or juvenile adjudication for criminal history purposes.

(f) The appellate court may reverse or affirm the sentence. If the appellate court concludes that the trial court's factual findings are not supported by evidence in the record or do not establish substantial and compelling reasons for a departure, it shall remand the case to the trial court for resentencing.

(g) The appellate court shall issue a written opinion whenever the judgment of the sentencing court is reversed. The court may issue a written opinion in any other case when it is believed that a written opinion will provide guidance to sentencing judges and others in implementing the sentencing guidelines adopted by the Kansas sentencing commission. The appellate courts may provide by rule for summary disposition of cases arising under this section when no substantial question is presented by the appeal.

(h) A review under summary disposition shall be made solely upon the record that was before the sentencing court. Written briefs shall not be required unless ordered by the appellate court and the review and decision shall be made in an expedited manner according to rules adopted by the supreme court.

(i) The sentencing court shall retain authority irrespective of any notice of appeal for 90 days after entry of judgment of conviction to modify its judgment and sentence to correct any arithmetic or clerical errors.

(j) The amendments made to this section by this act are procedural in nature and shall be construed and applied retroactively.

Sec. 3. K.S.A. 2018 Supp. 22-3504 is hereby amended to read as follows: 22-3504.
 (†)(a) The court may correct an illegal sentence at any time while the defendant is serving such sentence. The defendant shall receive full credit for time spent in custody under the sentence prior to correction. Unless the motion and the files and records of the case conclusively show that the defendant is entitled to no relief, the defendant shall have a right to a hearing, after reasonable notice to be fixed by the court, to be personally present and to have the assistance of counsel in any proceeding for the correction of an illegal sentence.

(‡)(b) Clerical mistakes in judgments, orders or other parts of the record and errors in the record arising from oversight or omission may be corrected by the court at any time and after such notice, if any, as the court orders.

(‡)(c) For the purposes of this section:

(1) "Illegal sentence" means a sentence: Imposed by a court without jurisdiction; that does not conform to the applicable statutory provision, either in character or punishment; or that is ambiguous with respect to the time and manner in which it is to be served at the time it is pronounced. A sentence is not an "illegal sentence" because of a change in the law that occurs after the sentence is pronounced.

(2) "Change in the law" means a statutory change or an opinion by an appellate court of the state of Kansas, unless the opinion is issued while the sentence is pending an appeal from the judgment of conviction.

(d) The amendments made to this section by this act are procedural in nature and shall be construed and applied retroactively.

New Sec. 4. If any provision or provisions of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act that can be given effect without the invalid provision or provisions or application, and to this end the provisions of this act are severable.;

Also on page 5, in line 27, by striking "and" and inserting a comma; also in line 27, after "21-6811c" by inserting ", 21-6820 and 22-3504";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "appeal of sentence; correction of sentence;"; in line 4, after "6811" by inserting ", 21-6820 and 22-3504"; and the bill be passed as amended.

HB 2279, as amended by House Committee, be amended on page 1, following line 6, by inserting:

"New Section 1. (a) (1) An applicant shall not be denied tenancy on the basis of, or as a direct result of, the fact that the applicant is, has been or is in imminent danger of becoming a victim of domestic violence, sexual assault, human trafficking or stalking, if the applicant otherwise qualifies for tenancy in or occupancy of the premises.

(2) A tenant or lessee shall not be evicted from the premises or found to be in violation of a rental or lease agreement on the basis of, or as a direct result of, the fact that the tenant or lessee is, has been or is in imminent danger of becoming a victim of domestic violence, sexual assault, human trafficking or stalking, if the tenant or lessee otherwise qualifies for tenancy in or occupancy of the premises.

(b) (1) A tenant or lessee shall not be liable for rent for the period after which the tenant or lessee vacates the premises that are the subject of the rental or lease agreement if the tenant or lessee:

(A) Is, has been or is in imminent danger of becoming a victim of domestic violence, sexual assault, human trafficking or stalking; and

(B) notifies the landlord or property owner as required in subsection (c).

(2) In any action brought against a tenant or lessee under Kansas law that seeks recovery of rent, the tenant or lessee shall have an affirmative defense and not be liable for rent for the period after which the tenant or lessee vacates the premises that are the subject of the rental or lease agreement if, by preponderance of the evidence, the court finds that the tenant or lessee:

(A) Was a victim or was in imminent danger of becoming a victim of domestic violence, sexual assault, human trafficking or stalking; and

(B) notified the landlord or property owner as required in subsection (c).

(c) An applicant, tenant or lessee qualifies for the protections under this section if the applicant, tenant or lessee provides a statement regarding domestic violence, sexual assault, human trafficking or stalking to the landlord or property owner. If the landlord or property owner requests, the applicant, tenant or lessee shall provide documentation of the domestic violence, sexual assault, human trafficking or stalking, which may be in any of the following forms:

(1) A document signed by the victim and any of the following individuals from whom the victim has sought assistance relating to domestic violence, sexual assault, human trafficking or stalking, or the effects of such abuse: (A) An attorney; (B) an employee, agent or volunteer of a victim service provider; or (C) a healthcare professional or mental health professional. The document must declare under penalty of perjury that the individual believes in the occurrence of the incident of domestic violence, sexual assault, human trafficking or stalking that is the ground for protection and that the incident meets the applicable definition of domestic violence, sexual assault, human trafficking or stalking; or

(2) a record pertaining to the alleged incident of domestic violence, sexual assault, human trafficking or stalking that is the ground for protection from: (A) A court; or (B) a federal, state or local law enforcement agency, including, but not limited to, a police report.

(d) The submission of false information by an applicant, tenant or lessee under this section may be a basis for a denial of tenancy, eviction or a violation of a rental or lease agreement.

(e) A landlord or property owner may impose a reasonable termination fee not to exceed one month's rent on a tenant or lessee who requests termination of a rental or lease agreement under the provisions of this section before the expiration date of such agreement. Such termination fee may only be imposed if it is contained in the terms of the rental or lease agreement.

(f) As used in this section, "domestic violence," "human trafficking," "sexual assault" and "stalking" mean the same as in K.S.A. 2018 Supp. 75-452, and amendments thereto.;

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, by striking all after "concerning"; in line 2, by striking all before the second semicolon and inserting "victims of domestic violence, sexual assault, human trafficking or stalking; relating to housing protections; requiring law enforcement to provide information to victims when an arrest is made for a domestic violence offense"; and the bill be passed as amended.

HB 2290, as amended by House Committee, be amended on page 1, following line 7, by inserting:

"New Section 1. (a) Notwithstanding any provision of the Kansas tort claims act, K.S.A. 75-6101 et seq., and amendments thereto, or any other provision of law to the contrary, the attorney general may refuse to provide legal representation to or indemnification of a public agency or employee or agent of a public agency in an action, proceeding or investigation involving an alleged violation of the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of K.S.A. 75-6108(d), and amendments thereto, shall not apply to a refusal under this section.

(b) This section shall be a part of and supplemental to the open records act.

New Sec. 2. (a) Notwithstanding any provision of the Kansas tort claims act, K.S.A. 75-6101 et seq., and amendments thereto, or any other provision of law to the contrary, the attorney general may refuse to provide legal representation to or indemnification of a public agency or employee or agent of a public agency in an action, proceeding or investigation involving an alleged violation of the Kansas open meetings act, K.S.A. 75-4317 et seq., and amendments thereto. The provisions of K.S.A. 75-6108(d), and amendments thereto, shall not apply to a refusal under this section.

(b) This section shall be a part of and supplemental to the open meetings act.

New Sec. 3. (a) The attorney general shall appoint a Kansas victim information and notification everyday (VINE) coordinator, and within the limits of appropriations available therefor, such additional staff as necessary to support the coordinator.

(b) The Kansas VINE coordinator shall work with interested parties, including, but not limited to, the sheriffs throughout the state, to oversee the implementation and operation of the VINE system throughout the state.

(c) The attorney general may appoint an advisory board to make recommendations for the implementation and operation of the VINE program. Such advisory committee, if appointed, may consist of up to five members appointed by the attorney general. One member shall be a victim advocate and one shall be a representative of the Kansas sheriffs' association. Except as provided in K.S.A. 75-3212, and amendments thereto, no member of any such advisory committee shall receive any compensation, subsistence, mileage or other allowance for serving on an advisory board appointed pursuant to this section.

(d) The attorney general shall promulgate rules and regulations necessary to carry out the provisions of this section.";

On page 3, in line 8, by striking "1" and inserting "4";

On page 6, in line 2, by striking "1" and inserting "4"; in line 33, by striking "1" and inserting "4";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the semicolon by inserting "relating to legal representation or indemnification in alleged violations of the open records act or the open meetings act; creating a statewide Kansas victim information and notification everyday (VINE) coordinator;"; and the bill be passed as amended.

HB 2365 be amended on page 2, in line 29, by striking "2020" and inserting "2024"; in line 31, by striking "2020" and inserting "2024"; by striking all in lines 32 through 37; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 231** be passed.

Also, **SB 234** be amended on page 1, in line 5, by striking all after "(a)"; by striking all in lines 6 through 17; in line 18, by striking all before the period and inserting "Every prescription order issued for a controlled substance in schedules II-V that contains an opiate, as described in the uniform controlled substances act, shall be transmitted electronically, unless:

(1) Electronic prescription orders are not possible due to technological or electronic system failures;

(2) electronic prescribing is not available to the prescriber due to economic hardship or technological limitations that are not reasonably within the control of the prescriber, or other exceptional circumstances exist as demonstrated by the prescriber;

(3) the prescription order is for a compounded preparation containing two or more components or requires information that makes electronic submission impractical, such as complicated or lengthy instructions for use;

(4) the prescription order is issued by a licensed veterinarian;

(5) the prescriber reasonably determines that it would be impractical for the patient to obtain the substances prescribed by electronic prescription in a timely manner, and such delay would adversely impact the patient's medical condition;

(7) the prescription order is issued pursuant to drug research or drug therapy protocols;

(8) the prescription order is by a prescriber who issues 50 or fewer prescription orders per year for controlled substances that contain opiates; or

(9) the United States food and drug administration requires the prescription order to contain elements that are not compatible or possible with electronic prescriptions";

Also on page 1, in line 35, by striking all after "(c)"; by striking all in line 36;

On page 2, by striking all in lines 1 and 2; in line 3, by striking "(d)"; in line 6, by striking "January 1, 2020" and inserting "July 1, 2021"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SB 40, SB 41, SB 59 reported correctly enrolled, properly signed and presented to the Governor on March 26, 2019.

On motion of Senator Denning the Senate recessed to the sound of the gavel.

The Senate met pursuant to recess with Senator Hardy in the chair.

On motion of Senator Denning the Senate adjourned until 10:00 a.m., Wednesday, March 27, 2019.

Journal of the Senate

FORTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 27, 2019, 10:00 a.m.

The Senate was called to order by Vice President Jeff Longbine.
The roll was called with 39 senators present.
Senator Wagle was excused.
Invocation by Senator Tom Hawk:

As a high school student I went to my first church camp at Scott Lake and was exposed to the spiritual song “Kumbaya”: Someone’s singing Lord, Kumbaya; Someone’s laughing Lord, Kumbaya; Someone’s crying Lord, Kumbaya; Someone’s praying Lord, Kumbaya. Each a beautiful verse, easy to sing. For me it was a time of great hope and optimism. One of my recent daily devotionals reminded me of that word, its history, and that special time. For my prayer today, I want to share some of that hope found in Psalms 33:22.

Let us pray: Let your steadfast love, O Lord, be upon us, even as we hope in you. Come by here, my Lord, somebody's missing, Lord, come by here. We all need you, Lord, come by here. Lord look down from heaven, as it says in this old song, and see all humankind. Creator God, you know it all, while we can only hope. And, God, it can seem ridiculous at times...That hope can feel impossible and maybe even more absurd than sitting around a campfire singing "Kumbaya."

But Lord, in the old songbook of the church, hope is more than issues and ideas. Hope is where we find you God. Hope is where we realize that someone is missing. Someone is crying. We need to find our hope in God and we ask you Lord to come by here.

Sing with us, O God, Kumbaya. Amen.

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolution was introduced and read by title:

SENATE CONCURRENT RESOLUTION No. 1610—

By Committee on Federal and State Affairs

A PROPOSITION to amend the constitution of the state of Kansas by revising article 3 thereof, relating to the judiciary.

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

therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 3 of the constitution of the state of Kansas is hereby revised to read as follows:

"Article 3.—JUDICIAL"

"§ 1. Judicial power; seals; rules. The judicial power of this state shall be vested exclusively in one court of justice, which shall be divided into one supreme court, one court of appeals, district courts, and such other courts as are provided by law; and all courts of record shall have a seal. The supreme court shall have general administrative authority over all courts in this state.

"§ 2. Supreme court. The supreme court shall consist of not less than seven justices who shall be selected as provided by this article. All cases shall be heard with not fewer than four justices sitting and the concurrence of a majority of the justices sitting and of not fewer than four justices shall be necessary for a decision. The term of office of the justices shall be six years except as hereinafter provided. The justice who is senior in continuous term of service shall be chief justice, and in case two or more have continuously served during the same period, the senior in age of these shall be chief justice. A justice may decline or resign from the office of chief justice without resigning from the court. Upon such declination or resignation, the justice who is next senior in continuous term of service shall become chief justice. During incapacity of a chief justice, the duties, powers and emoluments of the office shall devolve upon the justice who is next senior in continuous service.

"§ 3. Jurisdiction and terms. The supreme court shall have original jurisdiction in proceedings in quo warranto, mandamus, and habeas corpus; and such appellate jurisdiction as may be provided by law. It shall hold one term each year at the seat of government and such other terms at such places as may be provided by law, and its jurisdiction shall be co-extensive with the state.

"§ 4. Reporter; clerk. There shall be appointed, by the justices of the supreme court, a reporter and clerk of such court, who shall hold their offices for two years, and whose duties shall be prescribed by law.

"§ 5. Selection of justices of the supreme court. (a) (1) Any vacancy occurring in the office of any justice of the supreme court and any position to be open on the supreme court as a result of enlargement of such court, or the retirement or failure of an incumbent to file such justice's declaration of candidacy to be retained in office as hereinafter required, or failure of a justice to be elected to be retained in office, shall be filled by appointment by the governor, with the consent of the senate, of a person possessing the qualifications of office.

(2) Whenever a vacancy occurs, will occur or a position opens on the supreme court, the clerk of the supreme court shall promptly give notice to the governor.

(3) In the event of the failure of the governor to make the appointment within 60 days from the date such vacancy occurred or such position became open, the chief justice of the supreme court, with the consent of the senate, shall make the appointment of a person possessing the qualifications of office.

(4) Whenever a vacancy in the office of justice of the supreme court exists at the time the appointment to fill such vacancy is made pursuant to this section, the appointment shall be effective at the time it is made, but where an appointment is made pursuant to this section to fill a vacancy that will occur at a future date, such appointment shall not take effect until such date.

(b) No person appointed pursuant to subsection (a) shall assume the office of justice of the supreme court until the senate, by an affirmative vote of the majority of all members of the senate then elected or appointed and qualified, consents to such appointment. The senate shall vote to consent to any such appointment not later than 60 days after such appointment is received by the senate. If the senate is not in session and will not be in session within the 60-day time limitation, the senate shall vote to consent to any such appointment not later than 20 days after the senate begins its next session. In the event a majority of the senate does not vote to consent to the appointment, the governor, within 60 days after the senate vote on the previous appointee, shall appoint another person possessing the qualifications of office, and such subsequent appointment shall be considered by the senate in the same procedure as provided in this article. The same appointment and consent procedure shall be followed until a valid appointment has been made. No person who has been previously appointed but did not receive the consent of the senate shall be appointed again for the same vacancy. If the senate fails to vote on an appointment within the time limitation imposed by this subsection, the senate shall be deemed to have given consent to such appointment.

(c) (1) Each justice of the supreme court appointed pursuant to subsection (a) and consented to pursuant to subsection (b) shall hold office for an initial term ending on the second Monday in January following the first general election that occurs after the expiration of 12 months in office.

(2) Not less than 60 days prior to the holding of the general election next preceding the expiration of the term of any justice of the supreme court, the justice may file in the office of the secretary of state a declaration of candidacy for retention in office. If a declaration is not filed as provided in this section, the position held by the justice shall be vacant upon the expiration of the justice's term of office. If such declaration is filed, the justice's name shall be submitted at the next general election to the electors of the state on a separate judicial ballot, without party designation, reading substantially as follows: "Shall (Here insert name of justice.), Justice of the Supreme Court, be retained in office?"

(3) If a majority of those voting on the question vote against retaining the justice in office, the position that the justice holds shall be vacant upon the expiration of the justice's term of office. Otherwise, unless the justice is removed for cause, the justice shall remain in office for the regular term of six years from the second Monday in January following the election. At the expiration of each term, unless by law the justice is compelled to retire, the justice shall be eligible for retention in office by election in the manner prescribed in this section.

(4) If a majority of those voting on the question vote against the justice's retention, the secretary of state, following the final canvass of votes on the question, shall certify the results to the clerk of the supreme court. Any such justice who has not been retained in office pursuant to this section shall not be

eligible for appointment to the office of justice of the supreme court prior to the expiration of six years after the expiration of the justice's term of office.

"§ 6. Court of appeals. (a) (1) The court of appeals shall consist of 14 judges whose positions shall be numbered one through 14. The court of appeals shall be a part of the court of justice in which the judicial power of the state is vested by section 1 of this article and shall be subject to the general administrative authority of the supreme court. The court of appeals shall have such jurisdiction over appeals in civil and criminal cases and from administrative bodies and officers of the state as may be prescribed by law, and shall have such original jurisdiction as may be necessary to the complete determination of any cause on review. During the pendency of any appeal, the court of appeals, on such terms as may be just, may make an order suspending further proceedings in the court below until the decision of the court of appeals.

(2) Any vacancy occurring in the office of any judge of the court of appeals and any position to be open on the court of appeals as a result of enlargement of such court, or the retirement or failure of an incumbent to file such judge's declaration of candidacy to be retained in office as hereinafter required, or failure of a judge to be elected to be retained in office, shall be filled by appointment by the governor, with the consent of the senate, of a person possessing the qualifications of office.

(3) Whenever a vacancy occurs, will occur or a position opens on the court of appeals, the clerk of the supreme court shall promptly give notice to the governor.

(4) In the event of the failure of the governor to make the appointment within 60 days from the date such vacancy occurred or such position became open, the chief justice of the supreme court, with the consent of the senate, shall make the appointment of a person possessing the qualifications of office.

(5) Whenever a vacancy in the office of judge of the court of appeals exists at the time the appointment to fill such vacancy is made pursuant to this section, the appointment shall be effective at the time it is made, but where an appointment is made pursuant to this section to fill a vacancy which will occur at a future date, such appointment shall not take effect until such date.

(b) No person appointed pursuant to subsection (a) shall assume the office of judge of the court of appeals until the senate, by an affirmative vote of the majority of all members of the senate then elected or appointed and qualified, consents to such appointment. The senate shall vote to consent to any such appointment not later than 60 days after such appointment is received by the senate. If the senate is not in session and will not be in session within the 60-day time limitation, the senate shall vote to consent to any such appointment not later than 20 days after the senate begins its next session. In the event a majority of the senate does not vote to consent to the appointment, the governor, within 60 days after the senate vote on the previous appointee, shall appoint another person possessing the qualifications of office, and such subsequent appointment shall be considered by the senate in the same procedure as provided in this article. The same appointment and consent procedure shall be followed until a valid appointment has been made. No person who has been previously appointed but did not receive the consent of the senate shall be appointed again for the same

vacancy. If the senate fails to vote on an appointment within the time limitation imposed by this subsection, the senate shall be deemed to have given consent to such appointment.

(c) (1) Each judge of the court of appeals appointed pursuant to subsection (a) and consented to pursuant to subsection (b) shall hold office for an initial term ending on the second Monday in January following the first general election that occurs after the expiration of 12 months in office.

(2) Not less than 60 days prior to the holding of the general election next preceding the expiration of the term of any judge of the court of appeals, the judge may file in the office of the secretary of state a declaration of candidacy for retention in office. If a declaration is not filed as provided in this section, the position held by the judge shall be vacant upon the expiration of the judge's term of office. If such declaration is filed, the judge's name shall be submitted at the next general election to the electors of the state on a separate judicial ballot, without party designation, reading substantially as follows: "Shall (Here insert name of judge.), Judge of the Court of Appeals, be retained in office?"

(3) If a majority of those voting on the question vote against retaining the judge in office, the position that the judge holds shall be vacant upon the expiration of the judge's term of office. Otherwise, unless the judge is removed for cause, the judge shall remain in office for the regular term of four years from the second Monday in January following the election. At the expiration of each term, unless by law the judge is compelled to retire, the judge shall be eligible for retention in office by election in the manner prescribed in this section.

(4) If a majority of those voting on the question vote against the judge's retention, the secretary of state, following the final canvass of votes on the question, shall certify the results to the clerk of the supreme court. Any such judge who has not been retained in office pursuant to this section shall not be eligible for appointment to the office of judge of the court of appeals prior to the expiration of four years after the expiration of the judge's term of office.

(d) The supreme court may assign a judge of the court of appeals to serve temporarily on the supreme court.

"§ 7. District courts. (a) The state shall be divided into judicial districts as provided by law. Each judicial district shall have at least one district judge. The term of office of each judge of the district court shall be four years. District court shall be held at such times and places as may be provided by law. The district judges shall be elected by the electors of the respective judicial districts unless the electors of a judicial district have adopted and not subsequently rejected a method of nonpartisan selection. The legislature shall provide a method of nonpartisan selection of district judges and for the manner of submission and resubmission thereof to the electors of a judicial district. A nonpartisan method of selection of district judges may be adopted, and once adopted may be rejected, only by a majority of electors of a judicial district voting on the question at an election in which the proposition is submitted. Whenever a vacancy occurs in the office of district judge, it shall be filled by appointment by the governor until the next general election that occurs more than 30 days after such vacancy, or as may be provided by such nonpartisan method of selection.

(b) The district courts shall have such jurisdiction in their respective

districts as may be provided by law.

(c) The legislature shall provide for clerks of the district courts.

(d) Provision may be made by law for judges pro tem of the district court.

(e) The supreme court or any justice thereof shall have the power to assign judges of district courts temporarily to other districts.

(f) The supreme court may assign a district judge to serve temporarily on the supreme court.

(g) The supreme court or the court of appeals may assign a district judge to serve temporarily on the court of appeals.

"§ 8. Qualifications of justices and judges. Justices of the supreme court, judges of the court of appeals and judges of the district courts shall be at least 30 years of age and shall be duly authorized by the supreme court of Kansas to practice law in the courts of this state and shall possess such other qualifications as may be prescribed by law.

"§ 9. Prohibition of political activity by justices and certain judges. No justice of the supreme court who is appointed or retained under the procedure of section 5 of this article, nor any judge of the court of appeals who is appointed or retained under the procedure of section 6 of this article, nor any judge of the district court holding office under a nonpartisan method authorized in section 7(a) of this article, shall directly or indirectly make any contribution to or hold any office in a political party or organization or take part in any political campaign.

"§ 10. Extension of terms until successor qualified. All judicial officers shall hold their offices until their successors shall have qualified.

"§ 11. Compensation of justices and judges; certain limitation. The justices of the supreme court, judges of the court of appeals and judges of the district courts shall receive for their services such compensation as may be provided by law, which shall not be diminished during their terms of office, unless by general law applicable to all salaried officers of the state. Such justices or judges shall receive no fees or perquisites nor hold any other office of profit or trust under the authority of the state, or the United States except as may be provided by law, or practice law during their continuance in office.

"§ 12. Removal of justices and judges. Justices of the supreme court may be removed from office by impeachment and conviction as prescribed in article 2 of this constitution. In addition to removal by impeachment and conviction, justices may be retired after appropriate hearing, upon certification to the governor, by the supreme court that such justice is so incapacitated as to be unable to perform adequately such justice's duties. Other judges shall be subject to retirement for incapacity, and to discipline, suspension and removal for cause by the supreme court after appropriate hearing.

"§ 13. Savings clause. Nothing contained in this amendment to the constitution shall: (a) Shorten the term of office or abolish the office of any justice of the supreme court, any judge of the court of appeals, any judge of the district court, or any other judge of any other court who is holding office at the time this amendment becomes effective, or who is holding office at the time of adoption, rejection, or resubmission of a nonpartisan method of selection of district judges as provided in section 7(a) of this article, and all such justices and

judges shall hold their respective offices for the terms for which elected or appointed, unless sooner removed in the manner provided by law; (b) repeal any statute of this state relating to the supreme court, the supreme court nominating commission, the court of appeals, district courts, or any other court, or relating to the justices or judges of such courts, and such statutes shall remain in force and effect until amended or repealed by the legislature."

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

"Explanatory statement. The purpose of this amendment is to place the law concerning the court of appeals into the constitution and to do away with the supreme court nominating commission. The governor will appoint a qualified person, or if the governor fails to act, the chief justice of the supreme court would appoint a qualified person, and such person's appointment would require the consent of the senate. If the senate does not consent to the appointment by a majority vote, the governor would then appoint another qualified person, and such person's appointment would again go to the senate for consent. The same appointment and consent procedure would be followed until a valid appointment is made. If the senate fails to vote on an appointment within 60 days, it will be considered that the senate has given consent to the appointment.

"A vote for this proposition would provide a procedure whereby the governor or chief justice would appoint a person to be a supreme court justice or court of appeals judge, and the senate, by majority vote, would consent to the appointment of the supreme court justice or court of appeals judge.

"A vote against this proposition would continue the current system in which justices of the supreme court are appointed by the governor from a list of three individuals submitted by the supreme court nominating commission, and judges of the court of appeals are appointed by the governor, with the consent of the senate."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2020, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Olson the Senate nonconcurred in the House amendments to **SB 15** and requested a conference committee be appointed.

The Vice President appointed Senators Olson, Billinger and Ware as a conference committee on the part of the Senate.

On motion of Senator Baumgardner the Senate nonconcurred in the House amendments to **H Sub SB 16** and requested a conference committee be appointed.

The Vice President appointed Senators Baumgardner, Denning and Hensley as a conference committee on the part of the Senate.

On motion of Senator Wilborn the Senate nonconcurrred in the House amendments to **SB 18** and requested a conference committee be appointed.

The Vice President appointed Senators Wilborn, Rucker and Miller as a conference committee on the part of the Senate.

On motion of Senator Wilborn the Senate nonconcurrred in the House amendments to **SB 20** and requested a conference committee be appointed.

The Vice President appointed Senators Wilborn, Rucker and Miller as a conference committee on the part of the Senate.

On motion of Senator McGinn the Senate nonconcurrred in the House amendments to **H Sub SB 25** and requested a conference committee be appointed.

The Vice President appointed Senators McGinn, Billinger and Hawk as a conference committee on the part of the Senate.

On motion of Senator Olson the Senate nonconcurrred in the House amendments to **SB 28** and requested a conference committee be appointed.

The Vice President appointed Senators Olson, Billinger and Ware as a conference committee on the part of the Senate.

On motion of Senator Olson the Senate nonconcurrred in the House amendments to **SB 66** and requested a conference committee be appointed.

The Vice President appointed Senators Olson, Billinger and Ware as a conference committee on the part of the Senate.

On motion of Senator Olson the Senate nonconcurrred in the House amendments to **SB 67** and requested a conference committee be appointed.

The Vice President appointed Senators Olson, Billinger and Ware as a conference committee on the part of the Senate.

On motion of Senator Wilborn the Senate nonconcurrred in the House amendments to **SB 78** and requested a conference committee be appointed.

The Vice President appointed Senators Wilborn, Rucker and Miller as a conference committee on the part of the Senate.

ORIGINAL MOTION

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **HB 2126**.

The Vice President appointed Senators Petersen, Goddard and Pettey as conferees on the part of the Senate.

On motion of Senator Olson, the Senate acceded to the request of the House for a conference on **HB 2209**.

The Vice President appointed Senators Olson, Billinger and Ware as conferees on the part of the Senate.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 218, AN ACT concerning children and minors; relating to reporting of certain abuse and neglect; duly ordained minister of religion; amending K.S.A. 2018 Supp. 38-2223 and repealing the existing section, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Absent or Not Voting: Wagle.

The bill passed.

EXPLANATION OF VOTE

Mr. Vice President: I vote "AYE" on **Senate Bill 218** – Sheldon's Law. Kansas' mandatory reporting law currently includes teachers, social workers, firefighters, police, psychologists, therapists, and many other professionals, but it does not include clergy. **Senate Bill 218** would include them on that list. Clergy leadership are adults that children and their parents must be able to trust to keep them safe. **Senate Bill 218** mandates that duly ordained ministers of religion report suspected abuse or neglect to authorities. This bill provides a much-needed layer of protection for Kansas children in our houses of worship.—TOM HOLLAND

Senators Francisco, Haley and Hawk request the record to show they concur with the "Explanation of Vote" offered by Senator Holland on **SB 218**.

SB 228, AN ACT concerning insurance; relating to third party administrators; license and renewal application fees; amending K.S.A. 2018 Supp. 40-3812, 40-3813 and 40-3814 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Nays: Pilcher-Cook.

Absent or Not Voting: Wagle.

The bill passed.

SB 232, AN ACT concerning adult care homes; relating to licensure; receivership; financial solvency; amending K.S.A. 39-955, 39-956, 39-957 and 39-959 and K.S.A. 2018 Supp. 39-923, 39-927, 39-931, 39-931a, 39-958, 39-960, 39-961 and 39-963 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Absent or Not Voting: Wagle.

The bill passed, as amended.

SB 235, AN ACT concerning education; relating to the statewide levy; homestead

exemption; capital improvement state aid demand transfer; amending K.S.A. 72-5142 and 72-5462 and K.S.A. 2018 Supp. 79-201x and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Absent or Not Voting: Wagle.

The bill passed.

HB 2031, AN ACT concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; definition of service-connected; amending K.S.A. 74-4952 and repealing the existing section, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Absent or Not Voting: Wagle.

The bill passed, as amended.

HB 2033, AN ACT concerning sales and compensating use tax; relating to countywide retailers' sales tax, {rates}, election, Finney county, director of taxation; amending K.S.A. 2018 Supp. 12-187 and 12-189 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Absent or Not Voting: Wagle.

The bill passed, as amended.

HB 2038, AN ACT concerning inheritance rights; relating to revocation upon divorce, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Nays: Pilcher-Cook.

Absent or Not Voting: Wagle.

The bill passed, as amended.

HB 2070, AN ACT concerning roads and highways; designating a portion of United States highway 75 as the John Armstrong memorial highway and a bridge on United States highway 77 as the SGT Kevin A. Gilbertson memorial bridge; amending K.S.A. 68-1051 and repealing the existing section, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Absent or Not Voting: Wagle.

The bill passed, as amended.

HB 2087, AN ACT concerning motor vehicles; relating to windshields and windows; installation of light screening material; amending K.S.A. 2018 Supp. 8-1749a and repealing the existing section, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Absent or Not Voting: Wagle.

The bill passed, as amended.

HB 2119, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; powers and duties of the board of trustees; developing procedures for procurement of goods and services; making and entering into certain contracts; authorizing travel for trustees and employees of the system; amending K.S.A. 74-4909 and repealing the existing section, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Absent or Not Voting: Wagle.

The bill passed, as amended.

HB 2125, AN ACT concerning drivers' licenses; relating to the operation of a motor vehicle; requiring licensees to promptly deliver driver's license upon demand; amending K.S.A. 8-244 and repealing the existing section, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll,

Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Absent or Not Voting: Wagle.

The bill passed.

HB 2140, AN ACT concerning retirement and pensions; relating to the Kansas deferred retirement option program act; including agents of the Kansas bureau of investigation as members; extending sunset date; amending K.S.A. 74-4986f, 74-4986g and 74-4986r and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Absent or Not Voting: Wagle.

The bill passed, as amended.

HB 2144, AN ACT concerning community colleges; relating to publication of financial information; identification of transferable credits; amending K.S.A. 71-301 and repealing the existing section, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Absent or Not Voting: Wagle.

The bill passed, as amended.

HB 2160, AN ACT concerning sales and compensating use tax; relating to countywide retailers' sales tax; election, Dickinson, Jackson, Russell, Thomas and Wabaunsee counties; exemptions, sales of certain coins or bullion; amending K.S.A. 2018 Supp. 12-187, 12-189 and 79-3606 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Absent or Not Voting: Wagle.

The bill passed, as amended.

HB 2168, AN ACT concerning state property; relating to Kansas state university and the university of Kansas; authorizing the state board of regents to sell and convey

certain real property in Riley, Douglas and Saline counties, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Absent or Not Voting: Wagle.

The bill passed, as amended.

HB 2223, AN ACT concerning alcoholic beverages; relating to producer licenses; amending K.S.A. 2018 Supp. 41-308a and 41-355 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Absent or Not Voting: Wagle.

The bill passed, as amended.

Sub HB 2225, AN ACT regulating traffic; relating to oversize and overweight vehicles, permit fees; escort vehicle service, registration; amending K.S.A. 2018 Supp. 8-1911 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 35; Nays 4; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Rucker, Skubal, Suellentrop, Sykes, Taylor, Ware, Wilborn.

Nays: Hilderbrand, Pilcher-Cook, Pyle, Tyson.

Absent or Not Voting: Wagle.

The substitute bill passed.

HB 2248, AN ACT concerning motor vehicles; relating to all-terrain and work-site utility vehicles; allowing vehicles to operate on a federal or state highway under certain conditions; amending K.S.A. 2018 Supp. 8-15,100 and 8-15,109 and repealing the existing sections, was considered on final action.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Absent or Not Voting: Wagle.

The bill passed, as amended.

COMMITTEE OF THE WHOLE

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

HB 2191 be passed.

An amendment was offered by Senator Haley. A ruling of the chair was requested as to the germaneness to the bill. The Rules Committee ruled the amendment not germane.

SB 108 be amended by the adoption of the committee amendments, be further amended by motion of Senator Miller; on page 4, following line 18, by inserting:

"Sec. 3. K.S.A. 2018 Supp. 21-6815 is hereby amended to read as follows: 21-6815. (a) Except as provided in subsection (b), the sentencing judge shall impose the presumptive sentence provided by the sentencing guidelines unless the judge finds substantial and compelling reasons to impose a departure sentence. If the sentencing judge departs from the presumptive sentence, the judge shall state on the record at the time of sentencing the substantial and compelling reasons for the departure.

(b) Subject to the provisions of K.S.A. 2018 Supp. 21-6817(b), and amendments thereto, any fact that would increase the penalty for a crime beyond the statutory maximum, other than a prior conviction, shall be submitted to a jury and proved beyond a reasonable doubt.

(c) (1) Subject to the provisions of subsections (c)(3) and (e), the following nonexclusive list of mitigating factors may be considered in determining whether substantial and compelling reasons for a departure exist:

(A) The victim was an aggressor or participant in the criminal conduct associated with the crime of conviction, except that this factor shall not apply to a sexually violent crime as defined in K.S.A. 22-3717, and amendments thereto, or electronic solicitation as defined in K.S.A. 2018 Supp. 21-5509, and amendments thereto, when: (i) The victim is less than 14 years of age and the offender is 18 or more years of age; or (ii) the offender hires any person by giving, or offering to or agreeing to give, anything of value to the person to engage in an unlawful sex act.

(B) The offender played a minor or passive role in the crime or participated under circumstances of duress or compulsion. This factor may be considered when it is not sufficient as a complete defense.

(C) The offender, because of physical or mental impairment, lacked substantial capacity for judgment when the offense was committed. The voluntary use of intoxicants, drugs or alcohol does not fall within the purview of this factor.

(D) The defendant, or the defendant's children, suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(E) The degree of harm or loss attributed to the current crime of conviction was significantly less than typical for such an offense.

(F) The offender committed such crime as a result of an injury, including major depressive disorder, polytrauma, post-traumatic stress disorder or traumatic brain injury, connected to service in a combat zone, as defined in section 112 of the federal internal revenue code of 1986, in the armed forces of the United States of America. As used in this subsection, "major depressive disorder," "polytrauma," "post-traumatic stress

disorder" and "traumatic brain injury" shall mean the same as such terms are defined in K.S.A. 2018 Supp. 21-6630, and amendments thereto.

(2) Subject to the provisions of subsection (c)(3), the following nonexclusive list of aggravating factors may be considered in determining whether substantial and compelling reasons for departure exist:

(A) The victim was particularly vulnerable due to age, infirmity, or reduced physical or mental capacity which was known or should have been known to the offender.

(B) The defendant's conduct during the commission of the current offense manifested excessive brutality to the victim in a manner not normally present in that offense.

(C) The offense was motivated entirely or in part by the race, color, religion, ethnicity, national origin or sexual orientation of the victim or the offense was motivated by the defendant's belief or perception, entirely or in part, of the race, color, religion, ethnicity, national origin or sexual orientation of the victim whether or not the defendant's belief or perception was correct.

(D) The offense involved a fiduciary relationship which existed between the defendant and the victim.

(E) The defendant, 18 or more years of age, employed, hired, used, persuaded, induced, enticed or coerced any individual under 16 years of age to:

(i) Commit any person felony;

(ii) assist in avoiding detection or apprehension for commission of any person felony; or

(iii) attempt, conspire or solicit, as defined in K.S.A. 2018 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, to commit any person felony.

That the defendant did not know the age of the individual under 16 years of age shall not be a consideration.

(F) The defendant's current crime of conviction is a crime of extreme sexual violence and the defendant is a predatory sex offender. As used in this subsection:

(i) "Crime of extreme sexual violence" is a felony limited to the following:

(a) A crime involving a nonconsensual act of sexual intercourse or sodomy with any person;

(b) a crime involving an act of sexual intercourse, sodomy or lewd fondling and touching with any child who is 14 or more years of age but less than 16 years of age and with whom a relationship has been established or promoted for the primary purpose of victimization;

(c) a crime involving an act of sexual intercourse, sodomy or lewd fondling and touching with any child who is less than 14 years of age;

(d) aggravated human trafficking, as defined in K.S.A. 2018 Supp. 21-5426(b), and amendments thereto, if the victim is less than 14 years of age; or

(e) commercial sexual exploitation of a child, as defined in K.S.A. 2018 Supp. 21-6422, and amendments thereto, if the victim is less than 14 years of age.

(ii) "Predatory sex offender" is an offender who has been convicted of a crime of extreme sexual violence as the current crime of conviction and who:

(a) Has one or more prior convictions of any crimes of extreme sexual violence. Any prior conviction used to establish the defendant as a predatory sex offender pursuant to this subsection shall also be counted in determining the criminal history

category; or

(b) suffers from a mental condition or personality disorder which makes the offender likely to engage in additional acts constituting crimes of extreme sexual violence.

(iii) "Mental condition or personality disorder" means an emotional, mental or physical illness, disease, abnormality, disorder, pathology or condition which motivates the person, affects the predisposition or desires of the person, or interferes with the capacity of the person to control impulses to commit crimes of extreme sexual violence.

(G) The defendant was incarcerated during the commission of the offense.

(H) The crime involved two or more participants in the criminal conduct, and the defendant played a major role in the crime as the organizer, leader, recruiter, manager or supervisor.

In determining whether aggravating factors exist as provided in this section, the court shall review the victim impact statement.

(3) If a factual aspect of a crime is a statutory element of the crime or is used to subclassify the crime on the crime severity scale, that aspect of the current crime of conviction may be used as an aggravating or mitigating factor only if the criminal conduct constituting that aspect of the current crime of conviction is significantly different from the usual criminal conduct captured by the aspect of the crime.

(d) In determining aggravating or mitigating circumstances, the court shall consider:

- (1) Any evidence received during the proceeding;
- (2) the presentence report;
- (3) written briefs and oral arguments of either the state or counsel for the defendant; and
- (4) any other evidence relevant to such aggravating or mitigating circumstances that the court finds trustworthy and reliable.

(e) Upon motion of the prosecutor stating that the defendant has provided substantial assistance in the investigation or prosecution of another person who is alleged to have committed an offense, the court may consider such mitigation in determining whether substantial and compelling reasons for a departure exist. In considering this mitigating factor, the court may consider the following:

- (1) The court's evaluation of the significance and usefulness of the defendant's assistance, taking into consideration the prosecutor's evaluation of the assistance rendered;
- (2) the truthfulness, completeness and reliability of any information or testimony provided by the defendant;
- (3) the nature and extent of the defendant's assistance;
- (4) any injury suffered, or any danger or risk of injury to the defendant or the defendant's family resulting from such assistance; and
- (5) the timeliness of the defendant's assistance."

Also on page 4, in line 19, by striking "and" and inserting a comma; also in line 19, before "are" by inserting "and 21-6815";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, before "amending" by inserting "departure sentencing; mitigating factors;"; also in line 4, by striking "and" and inserting a comma; in line 5, before "and" by inserting "and 21-6815"; and **SB 108** be passed as further

amended.

SB 104 be amended by the adoption of the committee amendments, be further amended by motion of Senator Tyson; on page 1, in line 8, before "Section" by inserting "New"; in line 11, before "Sec." by inserting "New"; in line 29, before "Sec." by inserting "New";

On page 2, in line 17, before "Sec." by inserting "New";

On page 3, in line 39, before "Sec." by inserting "New";

On page 4, in line 17, before "Sec." by inserting "New"; following line 18, by inserting:

"New Sec. 7. The provisions of sections 7 through 23, and amendments thereto, shall be known as and may be cited as the golden years homestead property tax freeze act. The purpose of this act shall be to provide refunds arising from increased ad valorem tax assessments to: (a) Certain persons who are of qualifying age and who own their homesteads; or (b) certain persons who have a disability as a result of military service and who own their homesteads.

New Sec. 8. As used in this act:

(a) "Act" means the golden years homestead property tax freeze act.

(b) "Base year" means the year in which an individual becomes an eligible claimant and who is also eligible for a claim for refund pursuant to section 22, and amendments thereto. For any individual who would otherwise be an eligible claimant prior to 2018, such base year shall be deemed to be 2018 for the purposes of this act. In the event an individual is no longer an eligible claimant under this act, the individual shall establish a new base year in the year that the individual becomes an eligible claimant.

(c) "Claimant" means a person who has filed a claim under the provisions of this act and was, during the entire calendar year preceding the year in which such claim was filed for refund under this act, except as provided in section 9, and amendments thereto, both domiciled in this state and was: (1) A person who is 65 years of age or older; or (2) a disabled veteran. The surviving spouse of a person 65 years of age or older or a disabled veteran who was receiving benefits pursuant to this section at the time of the claimant's death, shall be eligible to continue to receive benefits until such time the surviving spouse remarries.

(d) "Disabled veteran" means a person who is a resident of Kansas and has been honorably discharged from active service in any branch of the armed forces of the United States or the Kansas national guard and who has been certified by the United States department of veterans affairs or its successor to have a 50% permanent disability sustained through military action or accident or resulting from a disease contracted while in such active service.

(e) "Homestead" means the dwelling, or any part thereof, owned and occupied as a residence by the household and so much of the land surrounding it, as defined as a home site for ad valorem tax purposes, and may consist of a part of a multi-dwelling or multi-purpose building and a part of the land upon which it is built or a manufactured home or mobile home and the land upon which it is situated. "Owned" includes one or more joint tenants or tenants in common.

When a homestead is occupied by two or more individuals and more than one of the individuals is able to qualify as a claimant, the individuals may determine between them as to who the claimant will be. If they are unable to agree, the matter shall be referred to the secretary of revenue, whose decision shall be final.

(f) "Household" means a claimant, a claimant and spouse who occupy the homestead or a claimant and one or more individuals not related as married individuals who together occupy a homestead.

(g) "Household income" means all income received by all persons of a household in a calendar year while members of such household.

(h) "Income" means the sum of adjusted gross income under the Kansas income tax act effective for tax year 2019, and tax years thereafter, without regard to any maintenance, support money, cash public assistance and relief, not including any refund granted under this act, the gross amount of any pension or annuity, including all monetary retirement benefits from whatever source derived, including, but not limited to, all payments received under the railroad retirement act, except disability payments, payments received under the federal social security act, except that for determination of what constitutes income, such amount shall not exceed 50% of any such social security payments and shall not include any social security payments to a claimant who, prior to attaining full retirement age, had been receiving disability payments under the federal social security act in an amount not to exceed the amount of such disability payments or 50% of any such social security payments, whichever is greater, all dividends and interest from whatever source derived not included in adjusted gross income, workers compensation and the gross amount of loss of time insurance. Income does not include gifts from nongovernmental sources or surplus food or other relief in kind supplied by a governmental agency, nor shall net operating losses and net capital losses be considered in the determination of income. Income does not include veterans disability pensions or disability payments received under the federal social security act.

(i) "Property taxes accrued" means property taxes, exclusive of special assessments, delinquent interest and charges for service, levied on a claimant's homestead in 2018 or any calendar year thereafter by the state of Kansas and the political and taxing subdivisions of the state. When a homestead is owned by two or more persons or entities as joint tenants or tenants in common and one or more of the persons or entities is not a member of the claimant's household, "property taxes accrued" is that part of property taxes levied on the homestead that reflects the ownership percentage of the claimant's household. For purposes of this act, property taxes are levied when the tax roll is delivered to the local treasurer with the treasurer's warrant for collection. When a claimant and household own their homestead for only a part of a calendar year, "property taxes accrued" means only taxes levied on the homestead when both owned and occupied as a homestead by the claimant's household at the time of the levy, multiplied by the percentage of 12 months that the property was owned and occupied by the household as its homestead in that year. When a household owns and occupies two or more different homesteads in the same calendar year, property taxes accrued shall be the sum of the taxes allocable to those several properties while occupied by the household as its homesteads during the year. Whenever a homestead is an integral part of a larger unit such as a multi-purpose or multi-dwelling building, property taxes accrued shall be that percentage of the total property taxes that is equal to the percentage of the value of the homestead compared to the total unit's value. For the purpose of this act, the word "unit" refers to that parcel of property covered by a single tax statement of which the homestead is a part.

New Sec. 9. The right to file a claim under this act may be exercised on behalf of a claimant by such person's legal guardian, conservator or attorney-in-fact. When a

claimant dies after having filed a timely claim, the amount thereof shall be disbursed to another member of the household as determined by the director of taxation. If the claimant was the only member of such person's household, the claim may be paid to such person's executor or administrator, but if neither is appointed and qualified, the amount of the claim may be paid upon a claim duly made to any heir at law. In the absence of any such claim within two years of the filing of the claim, the amount of the claim shall escheat to the state. When a person who would otherwise be entitled to file a claim under the provisions of this act dies prior to filing such claim, another member of such person's household may file such claim in the name of such decedent, subject to the deadline prescribed by section 11, and amendments thereto, and the director shall pay the amount to which the decedent would have been entitled to such person filing the claim. If the decedent was the only member of such person's household, the decedent's executor or administrator may file such claim in the name of the decedent, and the claim shall be paid to the executor or administrator. In the event that neither an executor or administrator is appointed and qualified, such claim may be made by any heir at law and the claim shall be payable to such heir at law. Any of the foregoing provisions shall be applicable in any case where the decedent dies in the calendar year preceding the year in which a claim may be made under the provisions of this act, if such decedent was a resident of or domiciled in this state during the entire part of such year that such decedent was living. Where the decedent's death occurs during the calendar year preceding the year in which a claim may be made, the amount of the claim that would have been allowable if the decedent had been a resident of or domiciled in this state the entire calendar year of such person's death shall be reduced in a proportionate amount equal to a fraction of the claim otherwise allowable, the numerator of which fraction is the number of months in such calendar year following the month of the decedent's death, and the denominator of which is 12.

New Sec. 10. A claimant may claim property tax relief under this act with respect to property taxes accrued and, after audit by the director of taxation with respect to this act, the allowable amount of such claim shall be paid, except as otherwise provided in sections 12, 21 and 23, and amendments thereto, to the claimant from the income tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director of taxation or by any person designated by the claimant, but no warrant issued shall be drawn in an amount of less than \$5. No interest shall be allowed on any payment made to a claimant pursuant to this act.

New Sec. 11. Except as provided in section 20, and amendments thereto, no claim in respect of property taxes levied in any year shall be paid or allowed unless such claim is actually filed with and in the possession of the department of revenue on or before April 15 of the year next succeeding the year in which such taxes were levied.

New Sec. 12. The amount of any claim otherwise payable under this act may be applied by the director of taxation against any liability outstanding on the books of the department of revenue against the claimant, or against any other individual who was a member of such person's household in the year that the claim relates.

New Sec. 13. Only one claimant per household per year shall be entitled to relief under this act.

New Sec. 14. (a) Commencing in tax year 2019, and all tax years thereafter, the amount of any claim pursuant to this act shall be computed by deducting the homestead ad valorem tax amount in the tax year the refund is sought from the amount of a

claimant's base year homestead ad valorem tax amount.

(b) The amount of claim shall be computed only to the nearest \$1.

(c) A taxpayer shall not be eligible for a claim pursuant to this act if such taxpayer has received for such property for such tax year either: (1) A homestead property tax refund pursuant to K.S.A. 79-4501 et seq., and amendments thereto; or (2) the selective assistance for effective senior relief (SAFESR) credit pursuant to K.S.A. 2018 Supp. 79-32,263, and amendments thereto.

New Sec. 15. In administering this act, the director of taxation shall make available suitable forms with instructions for claimants. Copies of such forms shall also be made available to all county clerks and county treasurers in sufficient numbers to supply claimants residing in their respective counties. It shall be the duty of the county clerk to assist any claimant seeking assistance in the filing of a claim under the provisions of this act. The county treasurer of each county shall mail to each taxpayer, with the property tax statement of such taxpayer, information on eligibility for relief under this act to be provided by the secretary of revenue.

The secretary of revenue is hereby authorized to adopt such rules and regulations as may be necessary for the administration of the provisions of this act.

New Sec. 16. (a) Every claimant under this act shall supply to the director of taxation, in support of a claim, reasonable proof of age and changes of homestead, household membership, household income, household assets and size and nature of property claimed as the homestead.

(b) Every claimant who is a homestead owner, or whose claim is based wholly or partly upon homestead ownership at some time during the calendar year, shall supply to the director of taxation, in support of a claim, the amount of property taxes levied upon the property claimed as a homestead and a statement that the property taxes accrued used for purposes of this act have been or will be paid by the claimant. Upon request by the director, such claimant shall provide a copy of the statement of property taxes levied upon the property claimed as a homestead. The amount of personal property taxes levied on a manufactured home or mobile home shall be set out on the personal property tax statement showing the amount of such tax as a separate item.

(c) The information required to be furnished under subsection (b) shall be in addition to that required under subsection (a).

New Sec. 17. In any case in which it is determined that a claim is or was excessive and was filed with fraudulent intent, the claim shall be disallowed in full, and, if the claim has been paid, the amount paid may be recovered by assessment as income taxes are assessed, and such assessment shall bear interest from the date of payment or credit of the claim, until recovered, at the rate of 1% per month. The claimant in such case and any person who assisted in the preparation or filing of such excessive claim, or supplied information upon which such excessive claim was prepared, with fraudulent intent, shall be guilty of a class B misdemeanor. In any case in which it is determined that a claim is or was excessive and was negligently prepared, 10% of the corrected claim shall be disallowed, and, if the claim has been paid, the proper portion of any amount paid shall be similarly recovered by assessment as income taxes are assessed, and such assessment shall bear interest at the rate of 1% per month from the date of payment until recovered. In any case in which it is determined that a claim is or was excessive due to the fact that the claimant neglected to include certain income received during the year, the claim shall be corrected and the excess disallowed, and, if the claim has been

paid, the proper portion of any amount paid shall be similarly recovered by assessment as income taxes are assessed.

New Sec. 18. No claim for relief under the provisions of this act shall be allowed to any claimant who is a recipient of public funds specifically designated for the payment of taxes during the period for which the claim is filed.

New Sec. 19. A claim shall be disallowed if the director of taxation finds that the claimant received title to such person's homestead primarily for the purpose of receiving benefits under this act.

New Sec. 20. For claims in respect to property taxes levied in any year, the director of taxation may extend the time for filing any claim or accept a claim filed after the filing deadline when good cause exists, if the claim has been filed within four years of the deadline.

New Sec. 21. (a) The director of taxation shall issue to the county clerk by October 15 of each year an electronic record containing the name of each eligible claimant who received a refund of property taxes under this act for the prior year.

(b) When initially filing a claim under this act, the claimant shall be given an election to receive such refund directly from the director of taxation or have such refund applied to the claimant's ad valorem taxes in the county. The claimant shall make the election on a form supplied by the director of taxation. Such refund shall not be applied to any special assessment.

(c) After the electronic record under subsection (a) has been received from the director of taxation, the county clerk of the county in which the property is located shall make any corrections needed, if any, based upon information known by the county clerk concerning any change in eligibility of any claimant listed in such record. After any needed corrections have been made to the electronic record, the county clerk, on behalf of each claimant listed in such record, shall certify the information contained in such record to the county treasurer in lieu of paying that portion of the first half of taxes on the claimant's homestead in the current year, which equals the amount of the golden years homestead property tax freeze refund received by the claimant for taxes levied in the preceding year up to the amount of the first half of the property taxes due.

(d) The county treasurer shall certify and return the electronic record referred to in subsection (a), including any changes made by the county clerk pursuant to subsection (c), to the director of taxation by December 31 of each year. After receiving a claim of any claimant who is listed in the electronic record submitted by the county treasurer, the director shall examine the same, and, if the claim is valid, the director of accounts and reports shall draw a warrant in favor of the county in which the claimant's homestead is located upon a voucher approved by the director of taxation in the amount of the allowable claim for refund. Sufficient information to identify the claimant shall be directed to the county treasurer with each warrant. Any taxes levied in any year on the homestead of any claimant who has obtained the eligibility herein provided for in excess of the amount paid to the county by the state and by the claimant on or before December 20 of such year shall be paid by the claimant on or before May 10 of the succeeding year.

(e) For the purposes of this section, "electronic record" shall have the meaning ascribed to it in K.S.A. 16-1602, and amendments thereto.

New Sec. 22. A claimant shall only be eligible for a claim for refund under this act if: (a) The household income for the year in which the claim is filed is \$50,000 or less;

and (b) the appraised value of the homestead is \$350,000 or less.

New Sec. 23. If there are delinquent property taxes on the claimant's homestead, the refund shall be paid to the county treasurer of the county in which such homestead is located and applied first to the oldest of such delinquent property taxes and applied forward to the most recent delinquent property taxes and then to any other property taxes due on the claimant's homestead.

Sec. 24. K.S.A. 2018 Supp. 79-4501 is hereby amended to read as follows: 79-4501. The title of this act shall be the homestead property tax refund act. The purpose of this act shall be to provide ad valorem tax refunds to: (a) Certain persons who are of qualifying age who own their homestead; (b) certain persons who have a disability, who own or rent their homestead; and (c) certain persons other than persons included under the provisions of subsection (a) or (b) who have low incomes and dependent children and own their homestead.

Sec. 25. K.S.A. 2018 Supp. 79-4502 is hereby amended to read as follows: 79-4502. As used in this act, unless the context clearly indicates otherwise:

(a) "Income" means the sum of adjusted gross income under the Kansas income tax act effective for tax year 2013 and thereafter without regard to any modifications pursuant to K.S.A. 79-32,117(b)(xx) through (xxiii) and (c)(xx), and amendments thereto, maintenance, support money, cash public assistance and relief, not including any refund granted under this act, the gross amount of any pension or annuity, including all monetary retirement benefits from whatever source derived, including but not limited to, all payments received under the railroad retirement act, except disability payments, payments received under the federal social security act, except that for determination of what constitutes income such amount shall not exceed 50% of any such social security payments and shall not include any social security payments to a claimant who prior to attaining full retirement age had been receiving disability payments under the federal social security act in an amount not to exceed the amount of such disability payments or 50% of any such social security payments, whichever is greater, all dividends and interest from whatever source derived not included in adjusted gross income, workers compensation and the gross amount of "loss of time" insurance. Income does not include gifts from nongovernmental sources or surplus food or other relief in kind supplied by a governmental agency, nor shall net operating losses and net capital losses be considered in the determination of income. Income does not include veterans disability pensions. Income does not include disability payments received under the federal social security act.

(b) "Household" means a claimant, a claimant and spouse who occupy the homestead or a claimant and one or more individuals not related as husband and wife who together occupy a homestead.

(c) "Household income" means all income received by all persons of a household in a calendar year while members of such household.

(d) "Homestead" means the dwelling, or any part thereof, whether owned and or rented that is occupied as a residence by the household and so much of the land surrounding it, as defined as a home site for ad valorem tax purposes, and may consist of a part of a multi-dwelling or multi-purpose building and a part of the land upon which it is built or a manufactured home or mobile home and the land upon which it is situated. "Owned" includes a vendee in possession under a land contract, a life tenant, a beneficiary under a trust and one or more joint tenants or tenants in common.

(e) "Claimant" means a person who has filed a claim under the provisions of this act and was, during the entire calendar year preceding the year in which such claim was filed for refund under this act, except as provided in K.S.A. 79-4503, and amendments thereto, both domiciled in this state and was: (1) A person having a disability; (2) a person who is 55 years of age or older; (3) a disabled veteran; (4) the surviving spouse of active duty military personnel who died in the line of duty; or (5) a person other than a person included under paragraph (1), (2), (3) or (4) having one or more dependent children under 18 years of age residing at the person's homestead during the calendar year immediately preceding the year in which a claim is filed under this act. The surviving spouse of a disabled veteran who was receiving benefits pursuant to subsection (e)(3) ~~of this section~~ at the time of the veterans' death, shall be eligible to continue to receive benefits until such time the surviving spouse remarries.

When a homestead is occupied by two or more individuals and more than one of the individuals is able to qualify as a claimant, the individuals may determine between them as to whom the claimant will be. If they are unable to agree, the matter shall be referred to the secretary of revenue whose decision shall be final.

(f) "Property taxes accrued" means property taxes, exclusive of special assessments, delinquent interest and charges for service, levied on a claimant's homestead in 1979 or any calendar year thereafter by the state of Kansas and the political and taxing subdivisions of the state. When a homestead is owned by two or more persons or entities as joint tenants or tenants in common and one or more of the persons or entities is not a member of claimant's household, "property taxes accrued" is that part of property taxes levied on the homestead that reflects the ownership percentage of the claimant's household. For purposes of this act, property taxes are "levied" when the tax roll is delivered to the local treasurer with the treasurer's warrant for collection. When a claimant and household own their homestead part of a calendar year, "property taxes accrued" means only taxes levied on the homestead when both owned and occupied as a homestead by the claimant's household at the time of the levy, multiplied by the percentage of 12 months that the property was owned and occupied by the household as its homestead in the year. When a household owns and occupies two or more different homesteads in the same calendar year, property taxes accrued shall be the sum of the taxes allocable to those several properties while occupied by the household as its homestead during the year. Whenever a homestead is an integral part of a larger unit such as a multi-purpose or multi-dwelling building, property taxes accrued shall be that percentage of the total property taxes accrued as the value of the homestead is of the total value. For the purpose of this act, the word "unit" refers to that parcel of property covered by a single tax statement of which the homestead is a part.

(g) "Disability" means:

(1) Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months, and an individual shall be determined to be under a disability only if the physical or mental impairment or impairments are of such severity that the individual is not only unable to do the individual's previous work but cannot, considering age, education and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which the individual lives or whether a specific job vacancy exists

for the individual, or whether the individual would be hired if application was made for work. ~~With respect to any individual, for purposes of the preceding sentence—(with respect to any individual),~~ "work which exists in the national economy" means work which exists in significant numbers either in the region where the individual lives or in several regions of the country; for purposes of this subsection, a "physical or mental impairment" is an impairment that results from anatomical, physiological or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques; or

(2) blindness and inability by reason of blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which the individual has previously engaged with some regularity and over a substantial period of time.

(h) "Blindness" means central visual acuity of $^{20}/_{200}$ or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for the purpose of this paragraph as having a central visual acuity of $^{20}/_{200}$ or less.

(i) "Disabled veteran" means a person who is a resident of Kansas and has been honorably discharged from active service in any branch of the armed forces of the United States or Kansas national guard and who has been certified by the United States department of veterans affairs or its successor to have a 50% permanent disability sustained through military action or accident or resulting from disease contracted while in such active service.

(j) "Gross rent" means the rental paid at arm's length solely for the right of occupancy of a homestead or space rental paid to a landlord for the parking of a mobile home, exclusive of charges for any utilities, services, furniture and furnishings or personal property appliances furnished by the landlord as a part of the rental agreement, whether or not expressly set out in the rental agreement. Whenever the director of taxation finds that the landlord and tenant have not dealt with each other at arm's length and that the gross rent charge was excessive, the director may adjust the gross rent to a reasonable amount for the purpose of the claim.

(k) "Rent constituting property taxes accrued" means 15% of the gross rent actually paid in cash or its equivalent in 2019 or any taxable year thereafter by a claimant and claimant's household solely for the right of occupancy of a Kansas homestead on which ad valorem property taxes were levied in full for that year. When a household occupies two or more different homesteads in the same calendar year, rent constituting property taxes accrued shall be computed by adding the rent constituting property taxes accrued for each property rented by the household while occupied by the household as its homestead during the year. For the provisions of this subsection, a claimant shall only include those persons satisfying the requirements of subsection (e)(3).

Sec. 26. K.S.A. 2018 Supp. 79-4508 is hereby amended to read as follows: 79-4508. (a) ~~Commencing in the tax year beginning after December 31, 2005~~ 2019, the amount of any claim pursuant to this act shall be computed by deducting the amount computed under column (2) from the amount of claimant's property tax accrued or rent constituting property tax accrued, or both.

(1)		(2)
Claimants household income		Deduction from property tax accrued <u>or rent constituting property tax accrued, or both</u>
At least	But not more than	
\$0	\$6,000	\$0
6,001	7,000	4%
7,001	16,000	4% plus 4% of every \$1,000 or fraction thereof, of income in excess of \$7,001
16,001	27,000	40% plus 5% of every \$1,000, or fraction thereof, of income in excess of \$16,001
27,001	27,600	95%

(b) The director of taxation shall prepare a table under which claims under this act shall be determined. The amount of claim for each bracket shall be computed only to the nearest \$1.

(c) The claimant may elect not to record the amount claimed on the claim. The claim allowable to persons making this election shall be computed by the department which shall notify the claimant by mail of the amount of the allowable claim.

(d) ~~In the case of all tax years commencing after December 31, 2004,~~ The upper limit threshold amount prescribed in this section, shall be increased by an amount equal to such threshold amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) of the federal internal revenue code for the calendar year in which the taxable year commences.

Sec. 27. K.S.A. 2018 Supp. 79-4509 is hereby amended to read as follows: 79-4509. In the event property taxes accrued or rent constituting property tax accrued, or the sum of both, exceeds \$700 for a household in any one year, the amount thereof shall, for purposes of this act, be deemed to have been \$700.

Sec. 28. K.S.A. 2018 Supp. 79-4511 is hereby amended to read as follows: 79-4511. (a) Every claimant under this act shall supply to the division, in support of a claim, reasonable proof of age or disability, and changes of homestead, household membership, household income, and size and nature of property claimed as the homestead. A claim alleging disability shall be supported by a report of the examining physician of the claimant with a statement or certificate that the applicant has a disability within the meaning of ~~subsection (g) of K.S.A. 79-4502(g),~~ and amendments thereto.

(b) Every claimant who is a homestead owner, or whose claim is based wholly or partly upon homestead ownership at some time during the calendar year, shall supply to the division, in support of a claim, the amount of property taxes levied upon the property claimed as a homestead and a statement that the property taxes accrued used for purposes of this act have been or will be paid by the claimant. Upon request by the division, such claimant shall provide a copy of the statement of property taxes levied upon the property claimed as a homestead. The amount of personal property taxes levied on a manufactured home or mobile home shall be set out on the personal property tax statement showing the amount of such tax as a separate item.

(c) Every claimant who is a homestead renter, or whose claim is based wholly or partly upon homestead rental at some time during the calendar year, shall supply to the division, in support of a claim, a statement prescribed by the director certifying the amount of gross rent paid and that ad valorem property taxes were levied in full that year on the property, all or a part of which was rented by the claimant. When such claimant reports household income that is 150% or less of the homestead rental amount and has failed to provide any documentation or information requested by the division to verify such household income in support of a claim as required pursuant to subsection (a), within 30 days of such request, such homestead property tax refund claim shall be denied. The information required to be furnished under this subsection or subsection (b) shall be in addition to that required under subsection (a).

Sec. 29. K.S.A. 2018 Supp. 79-4522 is hereby amended to read as follows: 79-4522. A person owning or occupying a homestead that is not rental property and for which the appraised valuation for property tax purposes exceeds \$350,000 in any year shall not be entitled to claim a refund of property taxes under the homestead property tax refund act for any such year. The provisions of this section shall be part of and supplemental to the homestead property tax refund act.

Sec. 30. K.S.A. 2018 Supp. 79-4501, 79-4502, 79-4508, 79-4509, 79-4511 and 79-4522 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 5, after "conduct" by inserting "; establishing the golden years homestead property tax freeze act, residential property tax refunds; providing homestead property tax refund to disabled veteran renters; amending K.S.A. 2018 Supp. 79-4501, 79-4502, 79-4508, 79-4509, 79-4511 and 79-4522 and repealing the existing sections"

SB 104 be further amended by motion of Senator Tyson; on page 1, in line 8, before "Section" by inserting "New"; in line 11, before "Sec." by inserting "New"; in line 29, before "Sec." by inserting "New";

On page 2, in line 17, before "Sec." by inserting "New";

On page 3, in line 39, before "Sec." by inserting "New";

On page 4, in line 17, before "Sec." by inserting "New"; following line 18, by inserting:

"Sec. 7. K.S.A. 2018 Supp. 79-32,143a is hereby amended to read as follows: 79-32,143a. (a) For taxable years beginning after December 31, 2011, a taxpayer may elect to take an expense deduction from Kansas net income before expensing or recapture allocated or apportioned to this state for the cost of the following property placed in service in this state during the taxable year: (1) Tangible property eligible for depreciation under the modified accelerated cost recovery system in section 168 of the internal revenue code, as amended, but not including residential rental property, nonresidential real property, any railroad grading or tunnel bore or any other property with an applicable recovery period in excess of 25 years as defined under section 168(c) or (g) of the internal revenue code, as amended; and (2) computer software as defined in section 197(e)(3)(B) of the internal revenue code, as amended, and as described in section 197(e)(3)(A)(i) of the internal revenue code, as amended, to which section 167 of the internal revenue code, as amended, applies. If such election is made, the amount of expense deduction for such cost shall equal the difference between the depreciable cost of such property for federal income tax purposes and the amount of bonus

depreciation being claimed for such property pursuant to section 168(k) of the internal revenue code, as amended, for federal income tax purposes in such tax year, but without regard to any expense deduction being claimed for such property under section 179 of the internal revenue code, as amended, multiplied by the applicable factor, determined by using the table provided in subsection (f), based on the method of depreciation selected pursuant to section 168(b)(1), (2), or (3) or (g) of the internal revenue code, as amended, and the applicable recovery period for such property as defined under section 168(c) or (g) of the internal revenue code, as amended. This election shall be made by the due date of the original return, including any extensions, and may be made only for the taxable year in which the property is placed in service, and once made, shall be irrevocable. If the section 179 expense deduction election has been made for federal income tax purposes for any asset, the applicable factor to be utilized is in the IRC § 168 (b)(1) column of the table provided in subsection (f) for the applicable recovery period of the respective assets.

(b) If the amount of expense deduction calculated pursuant to subsection (a) exceeds the taxpayer's Kansas net income before expensing or recapture allocated or apportioned to this state, such excess amount shall be treated as a Kansas net operating loss as provided in K.S.A. 79-32,143, and amendments thereto.

(c) If the property for which an expense deduction is taken pursuant to subsection (a) is subsequently sold during the applicable recovery period for such property as defined under section 168(c) of the internal revenue code, as amended, and in a manner that would cause recapture of any previously taken expense or depreciation deductions for federal income tax purposes, or if the situs of such property is otherwise changed such that the property is relocated outside the state of Kansas during such applicable recovery period, then the expense deduction determined pursuant to subsection (a) shall be subject to recapture and treated as Kansas taxable income allocated to this state. The amount of recapture shall be the Kansas expense deduction determined pursuant to subsection (a) multiplied by a fraction, the numerator of which is the number of years remaining in the applicable recovery period for such property as defined under section 168(c) or (g) of the internal revenue code, as amended, after such property is sold or removed from the state including the year of such disposition, and the denominator of which is the total number of years in such applicable recovery period.

(d) The situs of tangible property for purposes of claiming and recapture of the expense deduction shall be the physical location of such property. If such property is mobile, the situs shall be the physical location of the business operations from where such property is used or based. The situs of computer software shall be apportioned to Kansas based on the fraction, the numerator of which is the number of the taxpayer's users located in Kansas of licenses for such computer software used in the active conduct of the taxpayer's business operations, and the denominator of which is the total number of the taxpayer's users of the licenses for such computer software used in the active conduct of the taxpayer's business operations everywhere.

(e) Any member of a unitary group filing a combined report may elect to take an expense deduction pursuant to subsection (a) for an investment in property made by any member of the combined group, provided that the amount calculated pursuant to subsection (a) may only be deducted from the Kansas net income before expensing or recapture allocated to or apportioned to this state by such member making the election.

(f) The following table shall be used in determining the expense deduction

calculated pursuant to subsection (a):

Factors			
IRC§168 Recover Period (year)	IRC§168(b)(1) Depreciation Method	IRC§168(b)(2) Depreciation Method	IRC§168(b)(3) or (g) Depreciation Method
2.5	*	.077	.092
3	.075	.091	.106
3.5	*	.102	.116
4	*	.114	.129
5	.116	.135	.150
6	*	.154	.170
6.5	*	.163	.179
7	.151	.173	.190
7.5	*	.181	.199
8	*	.191	.208
8.5	*	.199	.217
9	*	.208	.226
9.5	*	.216	.235
10	.198	.224	.244
10.5	*	.232	.252
11	*	.240	.261
11.5	*	.248	.269
12	*	.256	.277
12.5	*	.263	.285
13	*	.271	.293
13.5	*	.278	.300
14	*	.285	.308
15	*	.299	.323
16	*	.313	.337
16.5	*	.319	.344
17	*	.326	.351
18	*	.339	.365
19	*	.351	.378
20	*	.363	.391
22	*	.386	.415
24	*	.408	.438
25	*	.419	.449

*Not Applicable

(g) If a taxpayer elects to expense any investment pursuant to subsection (a), such taxpayer shall not be eligible for any tax credit, accelerated depreciation, or deduction for such investment allowed pursuant to K.S.A. 2018 Supp. 79-32,160a(e), 79-32,182b, 79-32,201, 79-32,204, 79-32,211, 79-32,218, 79-32,221, 79-32,222, 79-32,224, 79-32,227, 79-32,229, 79-32,232, 79-32,234, 79-32,237, 79-32,239, 79-32,246, 79-32,249, 79-32,252, 79-32,255, 79-32,256 and 79-32,258, and amendments thereto.

(h) (1) For tax year 2013, the deduction allowed by this section shall only be available to taxpayers subject to the income tax on corporations imposed pursuant to

~~subsection (e) of K.S.A. 79-32,110(c), and amendments thereto, and used only to determine such taxpayer's corporate income tax liability.~~

~~(2) For tax-year years 2014, and all tax years thereafter 2015, 2016, 2017 and 2018, the deduction allowed by this section shall only be available to taxpayers subject to the income tax on corporations imposed pursuant to ~~subsection (e) of K.S.A. 79-32,110(c), and amendments thereto, or the privilege tax imposed upon any national banking association, state bank, savings bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, and used only to determine such taxpayer's corporate income or privilege tax liability.~~~~

(3) For tax year 2019, and all tax years thereafter, the deduction allowed by this section shall be available to all taxpayers subject to the income tax imposed pursuant to K.S.A. 79-32,110, and amendments thereto, or the privilege tax imposed upon any national banking association, state bank, savings bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, and used only to determine such taxpayer's income or privilege tax liability.

Sec. 8. K.S.A. 2018 Supp. 79-32,143a is hereby repealed.;

And by renumbering sections accordingly;

On page 1, in the title, in line 5, after "conduct" by inserting "; expanding expense deduction to all taxpayers; amending K.S.A. 2018 Supp. 79-32,143a and repealing the existing section"; and **SB 104** be passed as further amended.

HB 2039 be amended by the adoption of the committee amendments, be further amended by motion of Senator Wilborn; on page 1, in line 11, after "(c)" by inserting "Any person filing a tribal court judgment shall pay to the clerk of the district court a docket fee as prescribed by K.S.A. 60-2001, and amendments thereto. Any additional fees or charges not specifically covered by the docket fee shall be assessed as additional court costs in the same manner and to the same extent as if the action had been originally commenced in the court where the tribal court judgment is filed.

(d) "

HB 2178 be amended by the adoption of the committee amendments, be further amended by motion of Senator Francisco; on page 2, in line 17, by striking ". "Operator" does not mean" and inserting ", except for"; in line 18, by striking the colon; in line 19, by striking "(1)"; in line 21, by striking "; or" and inserting a period; in line 22, by striking all before "portion" and inserting "An electric public utility shall not be considered an operator of any"; in line 23, by striking "downstream" and inserting "that is on another person's side"; in line 24, by striking "an" and inserting "the";

On page 6, in line 30, by striking "downstream" and inserting "to another person's side"; and the bill be passed as further amended.

The committee report on **HB 2167** recommending **S Sub HB 2167** be adopted, be amended by motion of Senator Kerschen; on page 9, in line 1, after "(d)" by inserting "Nothing in this section shall prohibit:

(1) The use of any hemp product for research purposes by a state educational institution or affiliated entity; or

(2) the production, use or sale of any hemp product that is otherwise authorized by state or federal law.

(e)"

S Sub HB 2167 be further amended by motion of Senator Francisco; on page 13, in line 17, by striking "2018" and inserting "2019"

S Sub HB 2167 be further amended by motion of Senator Francisco; on page 5, by striking all in lines 26 through 43;

On page 6, by striking all in lines 1 through 11;

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

The Committee rose and reported progress (see Committee of the Whole afternoon session.)

On motion of Senator Denning, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with Vice President Longbine in the chair.

COMMITTEE OF THE WHOLE

The Senate returned to the Committee of the Whole with Senator Sullentrop in the chair.

On motion of Senator Suellentrop the report for the morning and the following afternoon session was adopted:

HB 2211 be passed.

HB 2365 be amended by the adoption of the committee amendments, be further amended by motion of Senator Miller; on page 2, in line 29, by striking all after "shall"; by striking all in line 30; in line 31, by striking all before the period and inserting "not be required to be reviewed by the legislature and shall not expire in accordance with K.S.A. 45-229, and amendments thereto"; and the bill be passed as further amended.

HB 2290 be amended by the adoption of the committee amendments; be further amended by motion of Senator Baumgardner; on page 1, by striking all in lines 11 through 32;

On page 4, in line 11, by striking "4" and inserting "2";

On page 7, in line 5, by striking "4" and inserting "2"; in line 36, by striking "4" and inserting "2"; in line 43, by striking "subsection (b) of"; also in line 43, after "75-5211" by inserting "(b)";

On page 8, following line 7, by inserting:

"Sec. 7. K.S.A. 2018 Supp. 75-6117 is hereby amended to read as follows: 75-6117. (a) There is hereby established in the state treasury the tort claims fund which shall be administered by the attorney general. All expenditures from such fund shall be made upon warrants of the director of accounts and reports pursuant to vouchers approved by the attorney general or by a designee of the attorney general.

(b) (1) Moneys in the tort claims fund shall be used only for the purpose of paying: (A) Compromises, settlements and final judgments arising from claims against the state or an employee of the state under the Kansas tort claims act or under the civil rights laws of the United States or of the state of Kansas; (B) costs of defending the state or an employee of the state in any actions or proceedings on those claims; and (C) judgments arising from claims pursuant to K.S.A. 2018 Supp. 60-5004, and amendments thereto, including, but not limited to, premiums under the state health care benefits program.

(2) Payment of a judgment arising from a claim pursuant to K.S.A. 2018 Supp. 60-5004, and amendments thereto, shall be subject to review by the state finance council. The attorney general shall notify the state finance council of the need for such review and ensure that payment of the judgment occurs without unnecessary delay.

(3) Payment of a compromise or settlement shall be subject to approval by the state finance council as provided in K.S.A. 75-6106, and amendments thereto.

(4) Payment of a final judgment shall be made from the fund if there has been a determination of any appeal taken from the judgment or, if no appeal is taken, if the time for appeal has expired.

(5) No payment shall be made from the fund to satisfy a compromise, settlement or final judgment when there exists insurance coverage obtained therefor, except that payment shall be made from the fund to satisfy a compromise settlement or final judgment for claims against the state or an employee of the state in any actions or proceedings arising from rendering or failure to render professional services by: (A) A charitable health care provider as defined by K.S.A. 75-6102, and amendments thereto; (B) a local health department as defined by K.S.A. 65-241, and amendments thereto, or an employee thereof; or (C) an indigent health care clinic as defined by K.S.A. 75-6115, and amendments thereto, or an employee thereof, even if there exists insurance coverage obtained therefor.

(c) Upon certification by the attorney general to the director of accounts and reports that the unencumbered balance in the tort claims fund is insufficient to pay an amount for which the fund is liable, the director of accounts and reports shall transfer an amount equal to the insufficiency from the state general fund to the tort claims fund.

(d) When payment is made from the ~~Kansas~~ tort claims fund on behalf of the university of Kansas hospital authority, the authority shall transfer to the tort claims fund an amount equal to the payment made by the tort claims fund on behalf of the authority.

(e) This section shall be part of and supplemental to the Kansas tort claims act.

(f) When payment is made from the tort claims fund on behalf of a state agency or employee for defense or indemnification of a claim involving an alleged violation of the Kansas open records act or the Kansas open meetings act, the agency requesting the defense or indemnification or employing the employee who requests the defense or indemnification shall transfer to the tort claims fund an amount equal to the payment made by the tort claims fund on behalf of the agency."

Also on page 8, in line 8, after "74-7317" by inserting "and K.S.A. 2018 Supp. 75-6117";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after the semicolon; by striking all in line 2; in line 3, by striking all before "creating"; in line 6, after the semicolon by inserting "relating to the tort claims fund; claims involving alleged violations of the open records act or the open meetings act;"; in line 7, after the second "and" by inserting "K.S.A. 2018 Supp. 75-6117 and"

HB 2290 be further amended by motion of Senator Baumgardner; on page 2, following line 17, by inserting:

"New Sec. 4. (a) The attorney general shall appoint a Kansas youth suicide prevention coordinator and, within the limits of appropriations available therefor, such additional staff as necessary to support the coordinator. The Kansas youth suicide

prevention coordinator shall identify, create, coordinate and support youth suicide awareness and prevention efforts throughout the state.

(b) Within the limits of appropriations therefor, the Kansas youth suicide prevention coordinator may:

(1) Lead the development, implementation and marketing of a website, online application and mobile phone application to facilitate communication with youth for the purpose of preventing youth suicide and promoting youth safety and well-being;

(2) develop and promote multidisciplinary and interagency strategies to help communities, schools, mental health professionals, medical professionals, law enforcement and others work together and coordinate efforts to prevent and address youth suicide;

(3) organize events that bring together youth, educators and community members from across the state to share information and receive training to prevent and address youth suicide in their communities;

(4) gather, disseminate and promote information focused on suicide reduction; and

(5) perform any other duty assigned by the attorney general to carry out the provisions of this section.";

On page 4, in line 11, by striking "4" and inserting "5";

On page 7, in line 5, by striking "4" and inserting "5"; in line 36, by striking "4" and inserting "5"; in line 43, by striking "subsection (b) of"; also in line 43, after "75-5211" by inserting "(b)";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after the semicolon by inserting "appointment of a Kansas youth suicide prevention coordinator;"

A ruling of the chair was requested as to the germaneness of the amendment. The Rules Committee ruled the amendment was germane to the bill.

HB 2290 be passed as further amended.

The committee report on **SB 219** recommending **Sub SB 219** be adopted, be amended by motion of Senator Petersen; on page 3, following line 4, by inserting:

"(h) On or before February 1, 2020, and annually on or before February 1 thereafter, the attorney general shall submit a report to the president of the senate, the speaker of the house of representatives and the standing committees on judiciary in the senate and the house of representatives on the implementation, administration and enforcement of the provisions of the scrap metal theft reduction act.";

Also on page 3, in line 12, by striking "email address,"; in line 16, after the stricken material by inserting "An official governmental document for a country other than the United States may be used to meet this requirement."; in line 25, by striking "email address,"; in line 26, after "and" by inserting: "

(A)"

Also on page 3, in line 30, after the stricken material by inserting: " or

(B) the identifying number from the seller's official governmental document for a country other than the United States;"

On page 4, in line 28, after "section" by inserting "for each transaction"; in line 29, after "thereto" by inserting ", within 72 hours after the transaction occurs".

Sub SB 219 be further amended by motion of Senator Wilborn; on page 3, in line 2, by striking "2020" and inserting "2024"; following line 4, by inserting:

"(h) Any entity contracting with the attorney general or the Kansas bureau of

investigation to provide or maintain the database required by this section shall not require a scrap metal dealer to contract with such entity for the authority to release proprietary or confidential data, including, but not limited to, customer information. Such entity shall not charge any fee to the scrap metal dealer as a condition of providing information to the database as required by the scrap metal theft reduction act, including, but not limited to, a fee for electronic submission of information.

(i) A scrap metal dealer providing information to the database as required by the scrap metal theft reduction act shall not be subject to civil liability for any claim arising from the negligence or omission by the state of Kansas or any contracting entity in the collection, storing or release of information provided by such scrap metal dealer to the database."; and the substitute bill be passed as amended.

A motion by Senator Tyson to amend **Sub SB 219** failed.

FINAL ACTION

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **SB 104, SB 108; Sub SB 219; HB 2039; S Sub HB 2167; HB 2178, HB 2191, HB 2211, HB 2290, HB 2365** were advanced to Final Action and roll call.

SB 104, AN ACT concerning income taxation; enacting the Kansas taxpayer protection act; relating to paid tax return preparers; requiring a signature and tax identification number on returns and claims; authorizing actions by the secretary of revenue to enjoin certain conduct; establishing the golden years homestead property tax freeze act, residential property tax refunds; providing homestead property tax refund to disabled veteran renters; amending K.S.A. 2018 Supp. 79-4501, 79-4502, 79-4508, 79-4509, 79-4511 and 79-4522 and repealing the existing sections.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Absent or Not Voting: Wagle.

The bill passed, as amended.

SB 108, AN ACT concerning crimes, punishment and criminal procedure; relating to involuntary manslaughter; abuse of a child; departure sentencing; mitigating factors; amending K.S.A. 2018 Supp. 21-5405, 21-5602 and 21-6815 and repealing the existing sections.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Absent or Not Voting: Wagle.

The bill passed, as amended.

Sub SB 219, AN ACT concerning consumer protection; relating to the scrap metal

theft reduction act; creating the scrap metal data repository fund; scrap metal transaction requirements; dealer registration; amending K.S.A. 2018 Supp. 50-6,109a, 50-6,110, 50-6,112a and 50-6,112b and repealing the existing sections.

On roll call, the vote was: Yeas 35; Nays 4; Present and Passing 0; Absent or Not Voting 1.

Yeas: Baumgardner, Berger, Billinger, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Wilborn.

Nays: Alley, Bollier, Tyson, Ware.

Absent or Not Voting: Wagle.

The bill passed as amended.

HB 2039, AN ACT concerning recognition of tribal court judgments.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Ware, Wilborn.

Nays: Hilderbrand, Tyson.

Absent or Not Voting: Wagle.

The bill passed, as amended.

S Sub HB 2167, AN ACT concerning industrial hemp; establishing a commercial industrial hemp program; amending K.S.A. 65-4101, 65-4105 and K.S.A. 2018 Supp. 2-3901, 2-3902, 2-3903, 21-5701 and 21-5702 and repealing the existing sections; also repealing K.S.A. 65-4101c and 65-4105b and K.S.A. 2018 Supp. 21-5701a.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Absent or Not Voting: Wagle.

The substitute bill passed, as amended.

HB 2178, AN ACT concerning utilities; relating to the Kansas underground utility damage prevention act; definitions; location of facilities and duty to mark, exceptions; amending K.S.A. 66-1802, 66-1805 and 66-1806 and repealing the existing sections.

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

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

Nays: Holland.

Absent or Not Voting: Wagle.

The bill passed, as amended.

HB 2191, AN ACT concerning crimes, punishment and criminal procedure; relating to execution of search warrants; electronically stored information; amending K.S.A. 2018 Supp. 22-2503 and repealing the existing section.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Absent or Not Voting: Wagle.

The bill passed.

HB 2211, AN ACT concerning motor vehicles; relating to the uniform act regulating traffic; driver's license reinstatement fee; waiver; amending K.S.A. 2018 Supp. 8-2110 and repealing the existing section.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Absent or Not Voting: Wagle.

The bill passed.

HB 2290, AN ACT concerning the attorney general; creating a statewide Kansas victim information and notification everyday (VINE) coordinator; relating to the crime victims compensation board; creating the crime victims compensation division within the office of the attorney general; relating to the tort claims fund; claims involving alleged violations of the open records act or the open meetings act; amending K.S.A. 74-7304, 74-7305, 74-7308 and 74-7317 and K.S.A. 2018 Supp. 75-6117 and repealing the existing sections; also repealing K.S.A. 74-7306.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Absent or Not Voting: Wagle.

The bill passed, as amended.

HB 2365, AN ACT concerning civil procedure and civil actions; relating to rules of evidence; peer support counseling session communication privilege; Kansas national guard members; amending K.S.A. 2018 Supp. 60-473 and repealing the existing section.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Absent or Not Voting: Wagle.

The bill passed, as amended.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2118, HB 2154, HB 2244, HB 2326, HB 2369, HB 2371, HB 2372, HB 2402.**

Announcing adoption of **HCR 5011.**

Announcing adoption of **SCR 1605.**

Announcing passage of **SB 70**, as amended; **SB 130**, as amended by substitution **H Sub SB 130.**

The House accedes to the request of the Senate for a conference on **H Sub SB 25** and has appointed Representatives Waymaster, Hoffman and Wolfe Moore as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub SB 16** and has appointed Representatives Williams, Hoffman and Winn as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2118, HB 2154, HB 2244, HB 2326, HB 2369, HB 2371, HB 2372, HB 2402 were thereupon introduced and read by title.

On emergency motion of Senator Denning, **HCR 5011** was adopted by voice vote.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Estes the Senate nonconcurrred in the House amendments to **SB 53** and requested a conference committee be appointed.

The Vice President appointed Senators Estes, Olson and Faust-Goudeau as a conference committee on the part of the Senate.

On motion of Senator Estes the Senate nonconcurrred in the House amendments to **SB 70** and requested a conference committee be appointed.

The Vice President appointed Senators Estes, Olson and Faust-Goudeau as a conference committee on the part of the Senate.

On motion of Senator Bowers the Senate nonconcurrred in the House amendments to **SB 130** and requested a conference committee be appointed.

The Vice President appointed Senators Bowers, Hardy and Haley as a conference committee on the part of the Senate.

Senator Wilborn moved the Senate concur in House amendments to **SB 77.**

SB 77, AN ACT concerning children and minors; relating to children with sexual behavior problems; Kansas department for children and families; voluntary services.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley,

Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Absent or Not Voting: Wagle.

The Senate concurred.

EXPLANATION OF VOTE

Mr. Vice President: I VOTE "AYE" THIS TIME INSTEAD OF "PRESENT BUT PASSING" AS I DID ON FEB. 27 ON **SB 77** regarding a child under 18 years exhibiting a sexual behavior problem who allegedly commits sexual abuse against another person under 18. Under this bill, now our Department of Children and Families (DCF) must respond and, if proven, referred to the child-in-need-of-care (CINC) code and referred to a child advocacy center. I agree that we need greater scrutiny and response to the growing number of our youths acting aggressively and sexually abusive. My only hesitancy remains the fiscal note; costs through DCF, to increase government's role in ferreting out, then offering parent(s) counseling for the aggressive child (and if refused by the parent, mandating the same.) A quarter of a million for identifying and referring to designated counseling centers. But honestly, only COMPLETE Legislative "peer-pressure" causes me to join the unanimous "Ayes" from BOTH Chambers today. Maybe I'm missing something here...? Again, society needs to better police the growing number of aggressive sexual interludes between juveniles. But we might also continue to explore less invasive, parentally-inclusive, not overtly mandated and not so tax-payer expensive stop-gaps too.—DAVID HALEY

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **HB 2006**, as amended by House Committee of the Whole, be amended on page 1, in line 14, by striking "each"; also in line 14, by striking "program" and inserting "programs, as defined in section 2, and amendments thereto,"; in line 15, by striking "identified" and inserting "selected"; also in line 15, by striking all after "committee"; by striking all in line 16; in line 17, by striking all before the period; also in line 17, after the period by inserting: "The evaluation procedure established by this section is intended to enhance and facilitate the ability of the legislature to fulfill its responsibility to evaluate and oversee economic development incentive programs. The oversight of economic development incentive programs is intended to remain with the legislature, independent of the legislative post audit committee. This section shall not be construed to limit, in any way, oversight of economic development incentive programs to the legislative post audit committee.";

On page 2, in line 3, by striking all after "(d)"; by striking all in lines 4 through 19; in line 20, by striking all before the period and inserting: "Evaluations shall be conducted with the goal of enabling evidence-based policy determinations by the legislature with respect to economic development incentive programs. To the extent reasonably possible, evaluations shall utilize direct and documented and primary-source evidence instead of secondary-source data. An evaluation shall include, as directed by the legislative post audit committee:

(1) A description of the economic development incentive program, its history and its goals;

(2) a literature review of the effectiveness of the incentive program type, including an inventory of similar incentive programs in other states;

(3) an estimate of the economic and fiscal impact of the incentive program that may take into account the following considerations in addition to other relevant factors:

(A) The extent to which the incentive program changes business behavior;
 (B) the results of the incentive program for the economy of Kansas as a whole, including both positive direct and indirect impacts and any negative effects on Kansas businesses; and

(C) a comparison with the results of other incentive programs or other economic development strategies with similar goals;

(4) an assessment of whether adequate protections are in place to ensure that the fiscal impact of the incentive program does not substantially increase beyond the state's means or expectations in future years;

(5) an assessment of the incentive program's design and whether the incentive program is being effectively administered;

(6) an assessment of whether the incentive program is achieving its goals;

(7) recommendations for how the state can more effectively achieve the incentive program's goals;

(8) recommendations for any changes to state policy, rules and regulations or statutes that would allow the incentive program to be more easily or conclusively evaluated in the future, which may include changes to collection, reporting and sharing of data, and revisions or clarifications to the goals of the incentive program;

(9) a return on investment calculation for the economic development incentive program. For purposes of this paragraph, "return on investment calculation" means analyzing the cost to and the benefits realized by the state or political subdivision for providing the economic development incentive program;

(10) the methodology and assumptions used in carrying out the reviews, analyses and evaluations required under this subsection, including an analysis of multiplier effects and a critique of the multiplier effect determination methodologies utilized in the evaluation report, including any determinations made using standard industry software models and any respective limitations or potential effects of such methods on outcomes;

(11) an analysis of significant opportunity costs of the incentive program at the state and local levels;

(12) any other information that the legislative post audit committee deems necessary to assess the effectiveness of the incentive program and whether it is achieving the goals of the incentive program; and

(13) all information, after redaction as necessary, by the post auditor to remove information that is confidential under state or federal law, required for publication pursuant to section 3, and amendments thereto, with respect to the economic development incentive program being evaluated";

Also on page 2, in line 34, by striking "income tax credit program" and inserting "economic development incentive program";

On page 3, in line 9, after "creation" by inserting "program"; in line 10, after "thereto" by inserting ", and the economic development initiatives fund established by K.S.A. 79-4804, and amendments thereto"; in line 17, after "agency" by inserting ". "Recipient" includes an enterprise that is no longer solvent due to bankruptcy, and a recipient, with respect to an economic development project that has failed"; in line 39, by striking "either"; also in line 39, by striking "or" and inserting "on a permanently accessible web page that may be accessed"; in line 40, after "link" by inserting "to that

web page placed";

On page 4, in line 12, by striking "claimed and"; also in line 12, after "to" by inserting "and received by"; in line 38, by striking "claimed" and inserting "received";

On page 5, in line 12, after the semicolon by inserting "or"; in line 14, by striking the semicolon; by striking all in lines 15 through 20; in line 21 by striking all before the period; following line 24, by inserting:

"New Sec. 4. (a) In addition to any other reports by the secretary of commerce to the legislative post audit committee, the standing committee on commerce, labor and economic development of the house of representatives or the standing committee on commerce of the senate, otherwise required by law each year, commencing in 2020, the secretary of commerce shall make an oral presentation before the legislative post audit committee, the standing committee on commerce, labor and economic development of the house of representatives and the standing committee on commerce of the senate at mutually agreed times during the period from the commencement of the regular legislative session to the end of January, and shall provide a report to each such committee with respect to each economic development incentive program as defined by section 2, and amendments thereto.

(b) The report shall include the following, with respect to each economic development incentive program:

- (1) A summary of the program;
- (2) an annual update;
- (3) an analysis of economic impact data utilizing direct, primary-source or auditable data, to the extent such data is reasonably available, and excluding any tertiary or indirect effects of the economic development program; and
- (4) any other information or analysis specified by the committee.";

On page 12, following line 29, by inserting:

"Sec. 7. K.S.A. 12-5245 is hereby amended to read as follows: 12-5245. (a) Upon receipt of the approval of the secretary as provided in ~~subsection (e) of K.S.A. 12-5244(c), and amendments thereto,~~ the governing body may proceed with the establishment of the district. Before doing so, the governing body shall adopt a plan for the development or redevelopment of housing and public facilities in the proposed district. Such plan may include plans for one or more projects, and the length of any individual project shall not exceed ~~15~~ 25 years. The plan shall include, but not be limited to, the following:

- (1) The legal description and map required by ~~subsection (a) of K.S.A. 12-5244(a), and amendments thereto;~~
- (2) the existing assessed valuation of the real estate in the proposed district, listing the land and improvement values separately;
- (3) a list of the names and addresses of the owners of record of all real estate parcels within the proposed district;
- (4) a description of the housing and public facilities project or projects that are proposed to be constructed or improved in the proposed district, and the location thereof;
- (5) a listing of the names, addresses and specific interests in real estate in the proposed district of the developers responsible for development of the housing and public facilities in the proposed district;
- (6) the contractual assurances, if any, the governing body has received from such

developer or developers, guaranteeing the financial feasibility of specific housing tax incentive projects in the proposed district; and

(7) a comprehensive analysis of the feasibility of providing housing tax incentives in the district, as provided in this act, ~~which that~~ shows the public benefits derived from such district will exceed the costs and that the income therefrom, together with other sources of funding, will be sufficient to pay for the public improvements that may be undertaken in such district. If other sources of public or private funds are to be used to finance the improvements, they shall be identified in the analysis.

(b) Prior to the adoption of the plan and designation of the district, the governing body shall adopt a resolution stating that the governing body is considering such action. The resolution shall provide notice that a public hearing will be held to consider the adoption of the plan and the designation of the district and contain the following elements:

(1) The date, hour and place of the public hearing;
 (2) the contents of ~~paragraphs (1) through (4) in subsection (a) of this section~~ (1) through (4);

(3) a summary of the contractual assurances by the developer and comprehensive feasibility analysis; ~~and~~

(4) a statement that the plan is available for inspection at the office of the clerk of the city or county at normal business hours; and

(5) a statement inviting members of the public to review the plan and attend the public hearing on the date announced in the resolution;

(c) The date fixed for the public hearing shall be not less than 30 nor more than 70 days following the date of the adoption of the resolution. The resolution shall be published at least once in the official newspaper of the city or county, with the final publication being not less than one week or more than two weeks preceding the date fixed for the public hearing.

(d) A certified copy of the resolution shall be delivered to the planning commission of the city or county and the board of education of any school district levying taxes on property within the proposed district. If the resolution is adopted by a city governing body, a certified copy also shall be delivered to the board of county commissioners of the county. If the resolution is adopted by a county governing body, it also shall be delivered to the governing body of any city located within three miles of such proposed district.

Sec. 8. K.S.A. 2018 Supp. 12-5248 is hereby amended to read as follows: 12-5248.

(a) (1) Any city or county ~~which that~~ has established a housing incentive district as provided in this act may issue special obligation bonds to finance the implementation of the plan adopted for the district by the governing body. ~~Such~~ The special obligation bonds shall be made payable, both as to principal and interest:

(A) From property tax increments allocated to, and paid into a special fund of the city or county under the provisions of ~~subsection (b) of~~ K.S.A. 12-5250 (b), and amendments thereto;

(B) from revenues of the city or county derived from or held in connection with the implementation of the project or projects in the district;

(C) from any private sources, contributions or other financial assistance from the state or federal government;

(D) from any financial sureties or other guarantees provided by the developer;

(E) from a pledge of any other lawfully available city or county revenue sources, including, but not limited to: ~~(1) (i)~~ A portion of all increased franchise fees collected from utilities and other businesses using public rights-of-way within the district; or ~~(2) (ii)~~ a portion of the sales and use tax revenues received by the city or county and collected pursuant to K.S.A. 12-187, and amendments thereto; or

(F) by any combination of these methods.

The city or county may pledge ~~such the~~ revenue to the repayment of ~~such the~~ special obligations bonds prior to, simultaneously with, or subsequent to the issuance of ~~such the~~ special obligation bonds.

(2) Bonds issued under this subsection shall not be general obligations of the city or county, ~~not nor~~ in any event, shall they give rise to a charge against the general credit or taxing powers of the city or county, or be payable out of any funds or properties other than any of those set forth in this subsection. ~~Such The~~ bonds shall ~~so~~ state such information on their face.

(3) The bonds issued under the provisions of this subsection shall be special obligations of the city or county and are declared to be negotiable instruments. The bonds shall be executed by the mayor and clerk of the city or, in the case of counties, by the chairman of the board of county commissioners and clerk of the county, and shall be sealed with the corporate seal of the city or the seal of the county. All details pertaining to the issuance of ~~such the~~ special obligation bonds shall be determined by ordinance of the city or resolution of the county. All special obligation bonds issued pursuant to this act shall be exempt from all state taxes. The special obligation bonds shall contain none of the recitals set forth in K.S.A. 10-112, and amendments thereto. The special obligation bonds shall contain the following recitals, ~~viz.:~~ The authority under which ~~such the~~ special obligation bonds are issued; ~~that~~ they are in conformity with the provisions, restrictions and limitations thereof; and that ~~such the~~ special obligation bonds and the interest thereon are to be paid from the money and revenue received as provided in paragraph (1) ~~of this subsection.~~

(4) The maximum maturity on bonds issued to finance projects pursuant to this act shall not exceed ~~15~~ 25 years.

(5) Any city or county issuing special obligation bonds under the provisions of this act may refund all or part of ~~such the~~ issue pursuant to the provisions of K.S.A. 10-116a, and amendments thereto.

(b) In the event the city or county shall default in the payment of any special obligation bonds as authorized pursuant to ~~paragraph (1) of~~ subsection (a) ~~(1) of this section, and amendments thereto,~~ no public funds shall be used to pay the holders thereof except as otherwise specifically authorized in this act.

(c) Any and all terms, conditions, exclusions and limitations ~~which that~~ are otherwise applicable to bonds issued by authority of K.S.A. 12-1774, and amendments thereto, shall also be applicable to bonds issued pursuant to this section.

Sec. 9. K.S.A. 12-5250 is hereby amended to read as follows: 12-5250. (a) All taxable tangible property located within a district established in accordance with this act shall be assessed and taxed for ad valorem tax purposes pursuant to law in the same manner that such property would be assessed and taxed if located outside such district, and all ad valorem taxes levied on such property shall be paid to and collected by the county treasurer in the same manner as other taxes are paid and collected. Except as otherwise provided in this section, the county treasurer shall distribute such taxes as

may be collected in the same manner as if such property were located outside the district. Each district established under the provisions of this act shall constitute a separate taxing unit for the purpose of the computation and levy of taxes.

(b) Beginning with the first payment of taxes ~~which that~~ are levied following the date of the approval of any district in accordance with this act, and amendments thereto, real property taxes received by the county treasurer resulting from taxes which are levied subject to the provisions of this act by and for the benefit of a taxing subdivision on property located within such district constituting a separate taxing unit under the provisions of this section, shall be divided as follows:

(1) From the taxes levied each year subject to the provisions of this act by or for each taxing subdivisions upon property located within a district constituting a separate taxing unit under the provisions of this act, the county treasurer first shall allocate and pay to each such taxing subdivision all of the real property taxes collected which are produced from that portion of the current assessed valuation of such real property located within such separate taxing unit which is equal to the total assessed value of such real property on the date of the establishment of the district.

(2) Any real property taxes produced from that portion of the current assessed valuation of real property within a district and constituting a separate taxing unit under the provisions of this section in excess of an amount equal to the total assessed value of such real property on the effective date of the establishment of the district shall be allocated and paid by the county treasurer to the treasurer as follows:

(A) In districts established by a city, the amount shall be paid to the treasurer of the city and deposited in a special fund of the city to pay the cost of housing projects in the district including the payment of principal of and interest on any special obligation bonds issued by such city to finance, in whole or in part, such housing project.

(B) In districts established by a county, the amount shall be deposited by the county treasurer in a special fund of the county to pay the cost of housing projects in the district including the payment of principal of and interest on any special obligation bonds issued by such county to finance, in whole or in part, such housing project. If such special obligation bonds and interest thereon have been paid before the completion of a project, the city or county may continue to use such moneys for any purpose authorized by this act until such time as the project is completed, but for not to exceed ~~15~~ 25 years from the date of the establishment of the district. When such special obligation bonds and interest thereon have been paid and the project is completed, all moneys thereafter received from real property taxes within such district shall be allocated and paid to the respective taxing subdivisions in the same manner as are other ad valorem taxes.

(c) Notwithstanding any other provision of law, it is hereby stated that is an object of all ad valorem taxes levied by or for the benefit of any taxing subdivision on taxable tangible real property located within any district created pursuant to this act, that such taxes may be applied and allocated to and when collected paid into a special fund of a city or county pursuant to the procedures and limitations of this act to pay the cost of a project including principal of and interest on special obligation bonds issued by such city or county to finance, in whole or in part, such project.";

Also on page 12, in line 30, before "K.S.A." by inserting "K.S.A. 12-5245 and 12-5250 and"; also in line 30, after "Supp." by inserting "12-5248,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "the department of commerce" and

inserting "economic development"; in line 2, by striking "incentive"; also in line 2, by striking all after "evaluations"; in line 3, by striking "audit"; also in line 3, by striking "the"; also in line 3, by striking "incentive"; also in line 3, after the comma by inserting "certain"; in line 4, by striking "and" and inserting a comma; also in line 4, by striking "required"; in line 5, after the semicolon by inserting "development incentives to address rural housing shortages, rural housing incentive district bonds;"; also in line 5, after "amending" by inserting "K.S.A. 12-5245 and 12-5250 and"; also in line 5, after "Supp." by inserting "12-5248,"; and the bill be passed as amended.

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

The following appointment was referred to and considered by the committee and your committee recommends that the Senate not approve and not consent to such appointment:

By the Governor:

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

David Toland, serves at the pleasure of the Governor.

Also, Committee on **Ways and Means** begs leave to submit the following report:

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

By the Governor:

Secretary, Kansas Department for Children and Families: K.S.A. 75-5301

Laura Howard, serves at the pleasure of the Governor.

Secretary, Kansas Department for Aging and Disability Services: K.S.A. 75-5903

Laura Howard, serves at the pleasure of the Governor.

TRIBUTES

The Committee on **Organization, Calendar, and Rules** authorizes the following tributes for the week of March 25 through March 27, 2019:

Senator Bowers: congratulating the Russell Chamber of Commerce Award Winners for 2019 (Cook's Home and Auto, Russell Main Street Inc., Larry Bernard, Lyndel Adams, Edie McQuade), congratulating Kennie Chapman on forty years as a volunteer hunter education instructor, congratulating Caroline Scoville on being named the 2019 Outstanding Instructor/Coordinator of the Year, congratulating Jan and Jerry Alldredge on receiving the 2019 Modern Woodmen's Hometown Hero Program Volunteer Award;

Senator Faust-Goudeau: honoring the Wichita Shriners Chapter, commending the 5th Annual Ministers' Wives and Widows Workshop;

Senator Hardy: celebrating Helen Smith's 101st Birthday, celebrating Mildred Mitchell's 101st Birthday, celebrating Ruth Weed's 101st Birthday, celebrating Jean Hoover's 102nd Birthday, celebrating Martin Reigel's 102nd Birthday, celebrating Virginia Ade's 102nd Birthday, celebrating Letha McDowell's 103rd Birthday, celebrating Amy Magdeburg's 105th Birthday; and

Senator Hilderbrand: congratulating the Girard High School on winning the 2019 Boys High School Class 3A Basketball State Champions.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Monday, April 1, 2019.

Journal of the Senate

FIFTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, April 1, 2019, 10:00 a.m.

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

The roll was called with 38 senators present.

Senators Masterson and Wagle were excused.

Invocation by Reverend Cecil T. Washington:

Lord, God of Heaven, You are full of All Wisdom and Truth. In Ecclesiastes 2:13, You used the image of light, having an advantage over darkness, to portray how wisdom (looking at everything from Your perspective) gives us an advantage over foolishness. Lord, there are times when we engage in some foolishness, such as what we have on “April Fool’s Day.” But then Lord, we don’t want the times of foolishness to carry over and undermine the times when we need to be serious.

Help us to have those lighthearted, innocent times of fooling around; those times of harmless fun stuff. But You did make it clear, in Ecclesiastes 3:1, that everything has its own time, and there’s a specific time for every activity.

So Lord, help us keep the distinctions clear. Give us the blessedness of laughter, when the time is right. And when the hour calls for it, give us Godly, clearheaded wisdom. What I’m asking Lord, is for You to keep us aware, of what time it is. I come to You in the Name of Wisdom Personified! In the Name of Jesus, Amen!

The Pledge of Allegiance was led by Vice President Longbine.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1733—

A RESOLUTION honoring the 70th anniversary of the Kansas Commission on Disability Concerns.

WHEREAS, In 2019, the Kansas Commission on Disability Concerns is celebrating 70 years of advocating and championing equal rights and opportunities for Kansans with disabilities; and

WHEREAS, In 1949, the Kansas Committee on Employment of the Physically

Handicapped was created by statute to promote employment for people with physical disabilities; and

WHEREAS, In the 1970s, the committee became the Kansas Committee on Employment of the Handicapped, under the direction of then-director Joe Greve and Howard Moses; and

WHEREAS, The committee continued to prioritize the employment of handicapped Kansans; advocated for accessible parking and tax credits for making a person's home or business handicapped-accessible; and established accessibility standards for buildings, facilities, recreational areas, streets, curbing, sidewalks and apartments; and

WHEREAS, In the 1980s, the committee became the Kansas Commission on Disability Concerns; and

WHEREAS, Director Michael Lechner and the Kansas Association of Centers for Independent Living partnered and held the first Kansas Disability Caucus to formulate the legislative initiatives to expand home and community-based services; and

WHEREAS, The Kansas Disability Caucus successfully advocated to amend the Nurse Practice Act to ensure that in-home services can be provided by trained individuals instead of registered nurses; and

WHEREAS, These changes lowered costs and allowed new waivers to be written that allowed people with disabilities to direct their services and increase their opportunities to work; and

WHEREAS, Moving into the 21st century, the Kansas Commission on Disability Concerns partnered with independent living centers, Families Together, Kansas Rehabilitation Services and Special Education to establish the Kansas Youth Leadership Forum; and

WHEREAS, The vision of the Kansas Commission on Disability Concerns recognizes people with disabilities are equal citizens and partners in society. The Kansas Commission on Disability Concerns supports their vision by focusing on partnerships, information and referrals at the state, regional and local levels and by providing policy recommendations for changes to Kansas laws, regulations and programs that impact people with disabilities; and

WHEREAS, The commission provides information to the public with disabilities on employment, school, home, play, community, youth issues and disability history; and

WHEREAS, The Kansas Youth Leadership Forum is a week-long event for high school juniors and seniors with disabilities that provides training in leadership skills regarding goal-setting for higher education or vocational training and employment and instruction on disability civil rights; and

WHEREAS, The Kansas Commission on Disability Concerns also provides staff training and accessible computer equipment to Workforce Centers across the state, in addition to establishing a disability service website for use by job-seekers with disabilities; and

WHEREAS, Due to the support of the Kansas Commission on Disability Concerns, the Disability Mentoring Day is celebrated across the state each October: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we honor the 70th anniversary of the Kansas Commission on Disability Concerns; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Billinger.

On emergency motion of Senator Billinger **SR 1733** was adopted by voice vote.

Senators Billinger, Alley, Baumgardner, Berger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Rucker, Skubal, Suellentrop, Sykes, Taylor, Wagle, Ware and Wilborn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1732—

A RESOLUTION recognizing April 2, 2019, as National Service Recognition Day at the Capitol.

WHEREAS, Service to others is a hallmark of the American character and is central to how the United States meets and overcomes challenges. Through their extensive public service commitments, community service participants demonstrate loyalty, dedication and patriotism; and

WHEREAS, States are increasingly turning to community service and volunteerism as a cost-effective strategy to meet local needs; and

WHEREAS, Community service represents a unique public and private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer money. Likewise, community service expands economic opportunities by creating more sustainable resilient communities and by providing those who serve with educational opportunities and career and leadership skills; and

WHEREAS, The Corporation for National and Community Service (CNCS), a federal agency, shares a priority with local leaders nationwide to engage citizens, improve lives and strengthen communities; and

WHEREAS, The CNCS is responsible for annually engaging approximately 300,000 AmeriCorps members and Senior Corps volunteers at over 50,000 locations across the nation, including schools, nonprofits, faith-based groups and local agencies. These organizations are critical to the economic and social well-being of our communities; and

WHEREAS, AmeriCorps members and Senior Corps volunteers address key challenges currently facing our communities. Besides preparing students for the modern workforce, these estimable organizations are engaged in counteracting natural disasters and the opioid epidemic and in providing assistance to veteran and active-duty military families; and

WHEREAS, On April 2, 2019, the CNCS is joining with the National League of Cities, the National Association of Counties, Cities of Service and local leaders across the country to commemorate National Service Recognition Day: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize April 2, 2019, as National Service Recognition Day at the Capitol; and

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

On emergency motion of Senator Billinger **SR 1732** was adopted by voice vote.

MESSAGE FROM THE HOUSE

The following Senate Bills were stricken from the House Calendar in accordance with House Rule 1507: **SB 61, SB 193.**

On motion of Senator Denning, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with Vice President Longbine in the chair.

MESSAGE FROM THE HOUSE

The House accedes to the request of the Senate for a conference on **SB 15** and has appointed Representatives Kelly, Orr and Finney as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 20** and has appointed Representatives F. Patton, Ralph and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 18** and has appointed Representatives F. Patton, Ralph and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 28** and has appointed Representatives Vickrey, Cox and Neighbor as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 53** and has appointed Representatives Barker, Averkamp and L. Ruiz as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 66** and has appointed Representatives Vickrey, Cox and Neighbor as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 67** and has appointed Representatives Vickrey, Cox and Neighbor as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 70** and has appointed Representatives Barker, Averkamp and L. Ruiz as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 78** and has appointed Representatives F. Patton, Ralph and Carmichael as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 130** and has appointed Representatives Sutton, B. Carpenter and Parker as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2007**, requests a conference and has appointed Representatives Proehl, Thimesch and Helgerson as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2085**, requests a conference and has appointed Representatives Highland, E. Smith, and Carlin as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2177**, requests a conference and has appointed Representatives Vickrey, Cox and Neighbor as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2203**, requests a conference and has appointed Representatives Kelly, Orr and Finney as conferees on the part of the

House.

The House nonconcur in Senate amendments to **S Sub HB 2214**, requests a conference and has appointed Representatives Proehl, Thimesch and Helgerson as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2246**, requests a conference and has appointed Representatives Proehl, Thimesch and Helgerson as conferees on the part of the House.

ORIGINAL MOTION

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **S Sub HB 2007**.

The Vice President appointed Senators Petersen, Goddard and Pettey as conferees on the part of the Senate.

On motion of Senator Kerschen, the Senate acceded to the request of the House for a conference on **HB 2085**.

The Vice President appointed Senators Kerschen, Estes and Francisco as conferees on the part of the Senate.

On motion of Senator Olson, the Senate acceded to the request of the House for a conference on **HB 2177**.

The Vice President appointed Senators Olson, Billinger and Ware as conferees on the part of the Senate.

On motion of Senator Olson, the Senate acceded to the request of the House for a conference on **HB 2203**.

The Vice President appointed Senators Olson, Billinger and Ware as conferees on the part of the Senate.

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **S Sub HB 2214**.

The Vice President appointed Senators Petersen, Goddard and Pettey as conferees on the part of the Senate.

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **HB 2246**.

The Vice President appointed Senators Petersen, Goddard and Pettey as conferees on the part of the Senate.

CONSIDERATION OF APPOINTMENTS

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

Senator Denning moved the following appointments be confirmed as recommended by the committee on **Ways and Means**.

By the Governor

On the appointment to the:

Department for Aging and Disability Services:

Laura Howard, serves at the pleasure of the Governor

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley,

Hilderbrand, Holland, Kerschen, Longbine, Lynn, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Nays: Doll.

Absent or Not Voting: Masterson, Wagle.

The appointment was confirmed.

By the Governor

On the appointment to the:

Department for Children and Families:

Laura Howard, serves at the pleasure of the Governor

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Ware, Wilborn.

Nays: Doll.

Absent or Not Voting: Masterson, Wagle.

The appointment was confirmed.

Senator Denning moved the following appointment.

By the Governor

On the appointment to the:

Department of Commerce:

David Toland, serves at the pleasure of the Governor

On roll call, the vote was: Yeas 23; Nays 14; Present and Passing 1; Absent or Not Voting 2.

Yeas: Berger, Bollier, Bowers, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Longbine, McGinn, Miller, Pettey, Skubal, Sykes, Taylor, Ware, Wilborn.

Nays: Alley, Baumgardner, Braun, Denning, Hilderbrand, Kerschen, Lynn, Olson, Petersen, Pilcher-Cook, Pyle, Rucker, Suellentrop, Tyson.

Present or Passing: Billinger.

Absent or Not Voting: Masterson, Wagle.

The appointment was confirmed.

EXPLANATION OF VOTE

Mr. Vice President: I vote in support of the appointment of David Toland as a result of communication with economic development and chambers of commerce across Kansas but more importantly I had a local entrepreneur in the capitol earlier in the session and Mr. Toland took time to visit with him and explore ways that the state could be supportive of the growth of his business. That is the proactive approach that I am looking for in a Secretary of Commerce. Additionally, as an individual who has a 100 percent prolife voting record, I had concerns about the grants that the Allen County Hospital received from the Tiller Foundation through the Wichita Community Foundation. However my concerns were largely allayed when the grants to the hospital were not abortion-related and placed an emphasis on healthy pregnancies which is

something that all individuals who are prolife should encourage. Therefore I vote in support of David Toland's appointment as Secretary of Commerce.—ED BERGER

Senators Bowers, Goddard, Longbine, McGinn and Wilborn request the record to show they concur with the "Explanation of Vote" offered by Senator Berger on David Toland, Secretary of Commerce appointment.

MESSAGES FROM THE GOVERNOR

March 20, 2019

To the Senate of the State of Kansas

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

LAURA KELLY
Governor

Secretary, Kansas Department of Labor, Delia Garcia, Topeka, pursuant to the authority vested in me by the K.S.A. 75-5701 and effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor, to succeed Lana Gordon.

COMMUNICATIONS FROM STATE OFFICERS

February 11, 2019

Pursuant to K.S.A. 75-75-6301, I am appointing Jeffery S. Wagaman as Kansas Securities Commissioner, to serve a four-year term running concurrently with the Commissioner of Insurance as provided by K.S.A. 40-106.

VICKI SCHMIDT
Commissioner of Insurance

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **HB 2178**.

The House nonconcurrs in Senate amendments to **HB 2031**, requests a conference and has appointed Representatives Kelly, Orr and Finney as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2038**, requests a conference and has appointed Representatives Patton, Ralph and Carmichael as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2039**, requests a conference and has appointed Representatives Patton, Ralph and Carmichael as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2087**, requests a conference and has appointed Representatives Proehl, Thimesch and Helgerson as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2119**, requests a conference and has appointed Representatives Kelly, Orr and Finney as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2140**, requests a conference and has appointed Representatives Kelly, Orr and Finney as conferees on the part of the House.

The House nonconcur in Senate amendments to **S Sub HB 2225**, requests a conference and has appointed Representatives Proehl, Thimesch and Helgerson as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2248**, requests a conference and has appointed Representatives Proehl, Thimesch and Helgerson as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2290**, requests a conference and has appointed Representatives Patton, Ralph and Carmichael as conferees on the part of the House.

ORIGINAL MOTION

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **HB 2031**.

The Vice President appointed Senators Olson, Billinger and Ware as conferees on the part of the Senate.

On motion of Senator Wilborn, the Senate acceded to the request of the House for a conference on **HB 2038**.

The Vice President appointed Senators Wilborn, Rucker and Miller as conferees on the part of the Senate.

On motion of Senator Wilborn, the Senate acceded to the request of the House for a conference on **HB 2039**.

The Vice President appointed Senators Wilborn, Rucker and Miller as conferees on the part of the Senate.

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **HB 2087**.

The Vice President appointed Senators Petersen, Goddard and Pettey as conferees on the part of the Senate.

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **HB 2119**.

The Vice President appointed Senators Olson, Billinger and Ware as conferees on the part of the Senate.

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **HB 2140**.

The Vice President appointed Senators Olson, Billinger and Ware as conferees on the part of the Senate.

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **S Sub HB 2225**.

The Vice President appointed Senators Petersen, Goddard and Pettey as conferees on the part of the Senate.

On motion of Senator Petersen, the Senate acceded to the request of the House for a conference on **HB 2248**.

The Vice President appointed Senators Petersen, Goddard and Pettey as conferees on the part of the Senate.

On motion of Senator Wilborn, the Senate acceded to the request of the House for a conference on **HB 2290**.

The Vice President appointed Senators Wilborn, Rucker and Miller as conferees on the part of the Senate.

REPORT ON ENROLLED BILLS

SB 105 reported correctly enrolled, properly signed and presented to the Governor on April 1, 2019.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Tuesday, April 2, 2019.

Journal of the Senate

FIFTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, April 2, 2019, 10:00 a.m.

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

Roll was called with 40 senators present.

Invocation by Reverend Cecil T. Washington:

Lord, God, in facing the issues of life, we come to times of discouragement. We'll enjoy a win. But before the celebration is over, the fight is on again. Lord, it gets hard sometimes...carrying all the responsibilities.

Like Your man Elijah, in 1 Kings 19:1-12, there's a tendency to just get tired. He reached a point where he'd had enough! Tired of battle after battle and just wanting the war to be over, he was even ready to end his life! But Lord, in the midst of his despair You met him where he was and took him where You wanted him to be. And Lord, that's what You do for us as well. You told him to get up! You weren't finished with him. You then gave him the strength he needed to rise up and come into Your presence, that he might hear from You, that he might overcome all the resistance, and all the discouragement. Like Elijah, Lord, we're listening for Your direction. Leaders with a job to do and needing Your guidance in doing it.

Help us to not be blown here and there by the contrary winds, or be shaken up by earth shattering events, or get all heated up and angry over the fires of opposition. Like Elijah, help us hear Your voice, Your still, small quiet voice. In the quietness of our spirit, Lord, help us to hear Your Spirit. So that when our work is done it won't be us saying, we've had enough! It'll be You saying we've done enough!

Thank You Lord! You've given us the strength for another day. I come to You in favor of the work You've called us to do. I come in the precious Name of Jesus, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

REFERENCE OF APPOINTMENTS

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

Commissioner, Office of the State Securities Commissioner:

Jeffrey Wagaman, to serve a term ending January 9, 2023.
(Financial Institutions and Insurance)

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

Secretary, Department of Labor:

Delia Garcia, to serve at the pleasure of the Governor.
(Commerce)

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Pettey and Taylor introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1734—

A RESOLUTION recognizing April as Child Abuse Prevention Month.

WHEREAS, Children are key to the state's future success, prosperity and quality of life. While children are our most valuable resource, they are also our most vulnerable; and

WHEREAS, Children have a right to be safe and to be provided with an opportunity to thrive, learn and grow; and

WHEREAS, Child abuse and neglect can be prevented by supporting and strengthening Kansas families, which can help provide children with the opportunities to develop healthy, trusting familial bonds; and

WHEREAS, Preventing child abuse means also preventing its far-reaching effects, which results in stronger foundations for our communities; and

WHEREAS, Since it is our duty as a community to extend a helping hand to children and families in need, we must come together, as partners, to make the voices of our children heard by all; and

WHEREAS, By providing safe, stable and nurturing relationships for our children, free of violence, abuse and neglect, we can ensure that Kansas children will grow to reach their full potential as our next generation of leaders and, thus, help secure the future of this state and of the nation: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize April as Child Abuse Prevention Month; and

Be it further resolved: That the Secretary of the Senate shall send enrolled copies of this resolution to Senator Pettey and Senator Taylor.

On emergency motion of Senator Pettey **SR 1734** was adopted by voice vote.

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

SENATE RESOLUTION No. 1735—

A RESOLUTION recognizing the Merriam Park Elementary and the Shawnee Mission School District's Health Partnership School-Based Clinic on their 1st anniversary of providing primary care to local students.

WHEREAS, The Merriam Park Elementary School and the Shawnee Mission School District's Health Partnership Clinic provide much-needed pediatric-focused medical, dental and behavioral care to families in the school district that may not otherwise have access to care; and

WHEREAS, The clinic officially opened on March 30, 2018, to help keep students healthy and remain on a pathway to academic and personal success; and

WHEREAS, The clinic is the first of its kind in Johnson County, and its staff has worked tirelessly to provide a medical home for local students and families, even

through the summer months; and

WHEREAS, The clinic is located in the Merriam Park Elementary School and is open to Shawnee Mission School District students and their siblings; and

WHEREAS, The clinic accepts anyone, regardless of income level, by accepting KanCare, commercial insurance and uninsured patients on a sliding-fee program; and

WHEREAS, Some services that the clinic provides include: Dental cleanings, sick visits, asthma care, behavioral healthcare, nutritional guidance, annual sports physicals and more; and

WHEREAS, The Health Partnership Clinic has enjoyed a successful first year, bringing accessible, quality and affordable healthcare to the students of Shawnee Mission School District and will continue for many more years: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the Merriam Park Elementary and the Shawnee Mission School District's Health Partnership School-Based Clinic on their 1st anniversary of providing primary care to local students; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Pettey.

On emergency motion of Senator Pettey **SR 1735** was adopted by voice vote.

On motion of Senator Denning, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with Vice President Longbine in the chair.

MESSAGE FROM THE HOUSE

The House accedes to the request of the Senate for a conference on **SB 63** and has appointed Representatives Proehl, Thimesch and Helgerson as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2144**, requests a conference and has appointed Representatives Huebert, Dietrich and Ward as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2167**, requests a conference and has appointed Representatives Highland, E. Smith, and Carlin as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2168**, requests a conference and has appointed Representatives Waymaster, Hoffman and Wolfe Moore as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2223**, requests a conference and has appointed Representatives Tarwater, Barker, Awerkamp and L. Ruiz, as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2365**, requests a conference and has appointed Representatives Clark, Ellis and Weigel as conferees on the part of the House.

ORIGINAL MOTION

On motion of Senator Baumgardner, the Senate acceded to the request of the House for a conference on **HB 2144**.

The Vice President appointed Senators Baumgardner, Alley and Sykes as conferees on the part of the Senate.

On motion of Senator Kerschen, the Senate acceded to the request of the House for a conference on **S Sub HB 2167**.

The Vice President appointed Senators Kerschen, Estes and Francisco as conferees on the part of the Senate.

On motion of Senator Baumgardner, the Senate acceded to the request of the House for a conference on **HB 2168**.

The Vice President appointed Senators Baumgardner, Alley and Sykes as conferees on the part of the Senate.

On motion of Senator Estes, the Senate acceded to the request of the House for a conference on **HB 2223**.

The Vice President appointed Senators Estes, Olson and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Wilborn, the Senate acceded to the request of the House for a conference on **HB 2365**.

The Vice President appointed Senators Wilborn, Rucker and Miller as conferees on the part of the Senate.

MESSAGES FROM THE GOVERNOR

SB 40, SB 41, SB 59 approved on April 2, 2019.

VETO MESSAGE FROM THE GOVERNOR

Just two short years ago, the State of Kansas found itself on the brink of financial disaster. Even after depleting state savings and enduring multiple rounds of devastating budget cuts, unsustainable tax policy continued to perpetuate fiscal crisis. We saw schools close and class sizes grow. We saw an overwhelmed child welfare system let children fall through the cracks. And despite promises of immediate prosperity, Kansas routinely ranked among the nation's worst in multiple economic indicators.

As the budget hole continued to grow, the legislature passed two sales tax increases, swept more than \$2 billion from the state highway fund, delayed numerous payments to the state pension system, accumulated historic levels of debt, and raided every critical investment from early childhood education to public safety. But in the end, none of these short-term band aids could stem the bleeding caused by reckless tax policy. In November of 2016, Kansans called for change.

The very next year, the state hit "reset" in a historic act of bipartisanship with the passage of comprehensive tax reform. Our credit score improved within a week. The number of Kansans participating in the labor force increased for the first time since 2014. And we've finally begun to heal from the unprecedented devastation found in state agencies and state programs.

However, we have only just started the rebuilding process. Our recovery is tenuous; our budget is fragile. The State of Kansas cannot afford to make a U-turn.

Unfortunately, **Senate Bill 22** would absolutely dismantle all the progress we've made. It would throw our state once again into a self-inflicted budget crisis, diminishing all the investments we've worked so hard to rebuild and restore. It would put our future at risk once again in order to give significant tax breaks to entities who need them the least, while continuing to leave working families behind.

Additionally, as noted by the Senate President during the floor debate, **Senate Bill 22** will put Kansas out of compliance with the Streamlined Sales and Use Tax Agreement. This would potentially cost Kansas up to \$18 million in lost revenue — on top of the bill's already unaffordable \$200 million price tag in the next fiscal year.

I look forward to working with the Kansas Legislature in the future to achieve our common goal of a reduced food sales tax. However, as I explained repeatedly — both as a candidate for governor and after I took office — we cannot responsibly enact a food sales tax cut until our state's fiscal health stabilizes. This is not the time.

I share Kansas lawmakers' desire to keep the state tax burden as low as possible and that will continue to be my priority. In January, I presented a structurally balanced budget to the Kansas Legislature that funded our schools and roads, reduced state debt, left Kansas with the largest ending balance in 20 years, and did so all without a tax increase.

The people of Kansas elected me to rebuild our state. They elected me to bring fiscally conservative and responsible principles back to our government. We must be patient, thoughtful, and prudent as we evaluate tax policy. And, when we move forward with commonsense tax relief, we must ensure that it benefits the Kansans who need it the most. Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto **Senate Bill 22**.

LAURA KELLY
Governor

REPORT ON ENROLLED BILLS

SB 60, SB 68; Sub SB 69; SB 71, SB 77, SB 82, SB 90, SB 94, SB 97, SB 128, SB 199 reported correctly enrolled, properly signed and presented to the Governor on April 2, 2019.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Wednesday, April 3, 2019.

Journal of the Senate

FIFTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, April 3, 2019, 10:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 40 senators present.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, today we're sweating some pretty big stuff. There are concerns that are huge with far reaching implications. Lord, it's like Your people in 1 Samuel 17 when they were facing a Goliath problem, a huge problem that would be devastating to Your people if it was not overcome.

While the problem of Goliath was threatening and ominous, all David had in his hand was five little stones. But what he had in his heart was a trust in You, to be the "Problem Solver." You showed him and his people that when we trust in You we don't have to sweat the big stuff. Because nothing and nobody is too big for You to handle.

So Lord, as we face what we think are the big problems, remind us that You are much bigger and we can trust in You. Give us the confidence to know, that as we use our little stones of knowledge and defense, You will have our backs and You will conquer every problem we confront.

I offer this prayer with the love, confidence and trust of little David. Thank You for reminding me to not sweat the big stuff. In Jesus' Name, Amen.

The Pledge of Allegiance was led by President Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture and Natural Resources: **HB 2173**.

Assessment and Taxation: **SB 236; HB 2118**.

Commerce: **HB 2154**.

Ethics, Elections and Local Government: **HB 2314**.

Federal and State Affairs: **HB 2326**.

Financial Institutions and Insurance: **HB 2054**.

Judiciary: **SCR 1610; HB 2018, HB 2137, HB 2244, HB 2396**.

Public Health and Welfare: **HB 2274, HB 2307, HB 2389, HB 2402**.

Transportation: **HB 2369, HB 2371, HB 2372**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1736—

A RESOLUTION honoring the Washburn Rural High School girls basketball team for their outstanding performance at the 2019 Kansas State High School Activities Association Girls Class 6A State Basketball Championship.

WHEREAS, The 2018-2019 Washburn Rural High School girls basketball team roster includes Carly Bachelor, Campbell Bagshaw, Riley Bagshaw, Katelynn Brogan, Lakshota Conklin, Shelby Ebert, Kasey Hamilton, Emma Krueger, Shelby Wichman, Sheriden Wichman and Trenna Whitmore, with Taylor Brunton, Ella Hurtig, Jessica Jones, Hannah Munstermann, Cale Scheck and Austin Weast as managers; and

WHEREAS, The 2018-2019 Washburn Rural High School girls basketball team is staffed by head coach Kevin Bordewick and assistant coaches Taylor Dunham, Tricia Vogel and Alexandra Wampfler; and

WHEREAS, During the week of March 4, 2019, the Washburn Rural Lady Blues competed in the Kansas State High School Activities Association Girls Class 6A State Basketball Championship. On March 9, 2019, the Lady Blues emerged victorious as state champions for the fourth time in school history; and

WHEREAS, The Lady Blues' March 9, 2019, performance capped a highly successful 2018-2019 season. In addition to finishing the season with a 23-2 win-loss record and the state title, the Lady Blues were named Centennial League co-champions; and

WHEREAS, Several Lady Blues received individual honors during the 2018-2019 season. Bachelor, Hamilton and Krueger received All-City, All-League and All-State honors; Ebert received All-City and All-League honors; and R. Bagshaw received All-City honors; and

WHEREAS, During the 2018-2019 season, Bachelor was recognized as Washburn Rural's all-time scoring leader and all-time rebounding leader for girls basketball, was named the Centennial League player of the year for the third consecutive year and was instrumental in leading the Lady Blues to their ultimate victory; and

WHEREAS, The 2019 Kansas State High School Activities Association Girls Class 6A State Basketball Championship marked head coach Bordewick's 11th state championship for Washburn Rural High School. Subsequently, Bordewick was named the Centennial League Girls Basketball Coach of the Year and the Sports in Kansas 6A Coach of the Year: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we honor the Washburn Rural High School girls basketball team for their outstanding performance at the 2019 Kansas State High School Activities Association Girls Class 6A State Basketball Championship. The Lady Blues epitomize what teamwork, dedication and perseverance can accomplish. We applaud them for their triumphs and wish them continued success and happiness in the future; and

Be it further resolved: That the Secretary of the Senate shall send 15 enrolled copies of this resolution to Senator Rucker.

On emergency motion of Senator Rucker **SR 1736** was adopted by voice vote.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MADAM PRESIDENT: Your committee on conference on Senate amendments to **HB 2209** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

ROB OLSON

RICK BILLINGER

Conferees on part of Senate

JENE VICKREY

TOM COX

Conferees on part of House

On motion of Senator Olson the Senate adopted the conference committee report on **HB 2209**, and requested a new conference be appointed.

The President appointed Senators Olson, Billinger and Ware as a second Conference Committee on the part of the Senate on **HB 2209**.

CHANGE OF REFERENCE

The President withdrew **SB 206** from the Calendar under the heading of **General Orders**, and rereferred the bill to the Committee on **Federal and State Affairs**.

The President withdrew **SB 138** from the Calendar under the heading of **General Orders**, and rereferred the bill to the Committee on **Transportation**.

CHANGE OF CONFERENCE

The President appointed Senators Suellentrop, Berger and Bollier to replace Senators Olson, Billinger, and Ware as members of the conference committee on **SB 15**.

On motion of Senator Denning, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with Vice President Longbine in the chair.

MESSAGE FROM THE HOUSE

Announcing the appointment of Representatives Landwehr, Eplee and Murnan to replace Representatives Kelly, Orr and Finney as conferees on **SB 15**.

Announcing the appointment of Representative Clayton to replace Representative Luis Ruiz as a conferee on **SB 53**.

Announcing the appointment of Representative Clayton to replace Representative Luis Ruiz as a conferee on **SB 70**.

Announcing the appointment of Representatives Landwehr, Eplee and Murnan to replace Representatives Kelly, Orr and Finney as conferees on **HB 2119**.

Announcing the appointment of Representative Stogsdill to replace Representative Luis Ruiz as a conferee on **HB 2223**.

CHANGE OF CONFERENCE

The Vice President appointed Senators Suellentrop, Berger and Bollier to replace Senators Olson, Billinger and Ware as members of the conference committee on **HB 2119**.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with President Wagle in the chair.

CHANGE OF CONFERENCE

The President appointed Senators Lynn, Pilcher-Cook and Holland to replace Senators Estes, Olson and Faust-Goudeau as members of the conference committee on **HB 2223**.

STANDING COMMITTEE REPORTS

Committee on **Agriculture and Natural Resources** begs leave to submit the following report:

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

By the Governor:

Secretary, Department of Wildlife, Parks and Tourism: K.S.A. 32-801

Brad Loveless, serves at the pleasure of the Governor.

Also, Committee on **Agriculture and Natural Resources** begs leave to submit the following report:

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

By the Governor:

Secretary, Department of Agriculture: K.S.A. 74-560

Mike Beam, serves at the pleasure of the Governor.

Committee on **Financial Institutions and Insurance** begs leave to submit the following report:

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

By the Commissioner of Insurance:

Securities Commissioner of Kansas, Office of Securities Commissioner: K.S.A. 75-6301

Jeffrey S. Wagaman, to fill a term expiring on January 9, 2023.

REPORT ON ENROLLED BILLS

SR 1732, SR 1733, SR 1734, SR 1735 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 3, 2019.

SCR 1605 reported correctly enrolled, properly signed and presented to the Secretary of State on April 3, 2019.

On motion of Vice President Longbine, the Senate adjourned until 10:00 a.m., Thursday, April 3, 2019.

Journal of the Senate

FIFTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, April 4, 2019, 10:00 a.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 40 senators present.

The President introduced guest Chaplain, Reverend Keith Philips, First Presbyterian Church, Salina and guest of Senator Hardy, to deliver the invocation:

God, our Creator, our Redeemer and our Sustainer, Your glory shines throughout the world. We commend to Your merciful care our nation, our state and our communities, that we may live securely in peace and may be guided by Your providence. Give all in authority the wisdom and strength to know Your will and to do it. This day and every day, help our leaders remember that they are called to serve the people as lovers of truth and justice.

Almighty God, keep Kansas under Your care. Help the citizens of our state to contribute to wise decisions for the general welfare and thus serve You faithfully in our generation. Amen.

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 237, AN ACT concerning roads and highways; designating a portion of K-16 as the John Lee Bremer memorial highway, by Committee on Assessment and Taxation.

SB 238, AN ACT concerning taxation; relating to privilege tax; banks, trust companies and savings and loan associations; deduction of interest received from certain business loans; amending K.S.A. 79-1109 and repealing the existing section, by Committee on Assessment and Taxation.

SB 239, AN ACT concerning taxation; relating to certain state credit unions; imposing a tax for the privilege of doing business; rates; definitions; interest income received from business loans, by Committee on Assessment and Taxation.

SB 240, AN ACT concerning the Kansas expanded lottery act; relating to racetrack gaming facilities; relating to parimutuel racing of horses; amending K.S.A. 74-8741, 74-8744, 74-8746, 74-8747 and 74-8836 and repealing the existing sections, by Committee on Federal and State Affairs.

SCR 1611, A CONCURRENT RESOLUTION urging the United States Census Bureau to conduct a complete and thorough 2020 census by collecting data on residency and citizenship, by Senators Tyson, Alley, Braun, Goddard, Hilderbrand, Kerschen, Lynn, Masterson, Olson, Pilcher-Cook, Rucker, Suellentrop and Wagle.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **SB 130**.

The House announced the appointment of Representatives Tarwater, Corbet and Frownfelter as conferees on **HB 2223**.

The House adopts the Conference Committee report to agree to disagree on **HB 2209** and appoints Representatives Vickrey, Cox and Neighbors as second conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **SB 63** and appoints Representatives Proehl, Thimesch and Helgerson as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 63** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

RICHARD PROEHL

JACK THIMESCH

HENRY HELGERSON

Conferees on part of House

MIKE PETERSEN

DAN GODDARD

PAT PETTEY

Conferees on part of Senate

On motion of Senator Petersen the Senate adopted the conference committee report on **SB 63**, and requested a new conference be appointed.

The President appointed Senators Petersen, Goddard and Pettey as a second Conference Committee on the part of the Senate on **SB 63**.

On motion of Senator Denning, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with Vice President Jeff Longbine in the chair.

MESSAGE FROM THE HOUSE

The House nonconcurrs in Senate amendments to **HB 2033**, requests a conference and has appointed Representatives Johnson, Mason and Gartner as conferees on the part of the House.

The House concurs in Senate amendments to **HB 2070**.

The House concurs in Senate amendments to **HB 2084**.

The House concurs in Senate amendments to **HB 2103**.

The House concurs in Senate amendments to **HB 2085**, and requests return of the bill.

The House concurs in Senate amendments to **HB 2144**, and requests return of the bill.

ORIGINAL MOTION

On motion of Senator Tyson, the Senate acceded to the request of the House for a conference on **HB 2033**.

The Vice President appointed Senators Tyson, Kerschen and Holland as conferees on the part of the Senate.

CHANGE OF CONFERENCE

The Vice President appointed Senators Suellentrop, Berger and Bollier to replace Senators Olson, Billinger and Ware as members of the conference committee on **SB 67**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Faust-Goudeau introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1737—

A RESOLUTION honoring the men of the Kansas Prince Hall Shriners Temple and the women of its auxiliary, the Imperial Court.

WHEREAS, On June 3, 1893, Prince Hall Masons established the first temple of the Ancient Egyptian Arabic Order Nobles Mystic Shrine of North and South America and its Jurisdiction, Inc.; and

WHEREAS, This organization soon became known as Prince Hall Shriners: a charitable, benevolent, fraternal and social organization. Members of the organization are proudly given the title of "Nobles"; and

WHEREAS, Today, there are 224 temples and more than 25,000 members throughout the world. These men wear the recognizable symbol of a red fez hat; and

WHEREAS, Prince Hall Shriners volunteer and provide considerable grants to worthy charities, including the National Association for the Advancement of Colored People, the Legal Defense Fund, the Urban League and the United Negro College Fund, with other grants to institutions of higher learning and hospitals; and

WHEREAS, Kansas is home to the following temples: Emith Temple #30, Koran Temple #33, Fayum Temple #209 and Oasis Temple #29; and

WHEREAS, On August 24, 1910, The Imperial Court, a female auxiliary of Prince Hall Shriner temples, was established to unite female relatives of the members; and

WHEREAS, The members of the Imperial Court are proudly given the title of "Daughters" and are organized as local courts to accompany each local Shriner temple. Today, there are more than 95,000 Daughters across the world. These women wear the recognizable symbol of a white fez hat; and

WHEREAS, The Imperial Court stresses the development of leaders, encourages health awareness, provides services to disabled and senior citizens, recognizes and celebrates achievements of African-American women and promotes educational opportunities and career planning for youth and young adults; and

WHEREAS, Kansas is home to the following courts: Emith Court #18, Koran Court #37, Fayum Court #192 and Oasis Court #44; and

WHEREAS, The objective of these courts is to unite the mothers, wives, sisters and daughters of Shriners in one common body of friendship, to practice charity and benevolence, to promote general welfare and to inculcate honor and integrity; and

WHEREAS, Members of Prince Hall Shriners and the Imperial Court deserve formal recognition for their long history of charitable relief, education and high moral standards: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we honor the men of the Kansas Prince Hall Shriners Temple and the women of its auxiliary, the Imperial Court; and

Be it further resolved: That the Secretary of the Senate shall send enrolled copies of this resolution to Joe H. Barner Sr., Annie L. Long, Pearlle Mitchell and Senator Faust-Goudeau.

On emergency motion of Senator Faust-Goudeau **SR 1737** was adopted by voice vote.

Senator Faust-Goudeau introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1738—

A RESOLUTION honoring the men of the Prince Hall Grand Lodge of Kansas and the women of its auxiliary, the Eastern Stars of the Kansas Prince Hall Grand Chapter.

WHEREAS, In March 1775, Prince Hall and other men of color were initiated into the fraternal order of Freemasonry in Boston, Massachusetts, before the lodge disbanded for the American Revolutionary War; and

WHEREAS, In September 1784, Prince Hall and the initiated men were granted a charter for their own lodge, designated as African Lodge #459, making it the first lodge for men of color; and

WHEREAS, There are now more than 5,000 lodges and 47 grand lodges that trace their lineage to the Prince Hall Grand Lodge; and

WHEREAS, The Most Worshipful Prince Hall Grand Lodge of Kansas, Free and Accepted Masons, was established in March 1875 and is rooted in honor, respect and humility. The Lodge's mission is to encourage and support the advancement of the Masonry; and

WHEREAS, Kansas Masons abide by the Masonic values of the supremacy of God, family, involvement in religion and community, brotherly love, relief and truth, honesty, integrity and morality; and

WHEREAS, The Order of the Eastern Stars was formally organized in 1850 as a female auxiliary of Masonic Temples to unite female relatives of Masons; and

WHEREAS, The members of the female auxiliary are proudly given the title of "Eastern Stars." There are now more than 5,000 chapters and more than 500,000 members across the world; and

WHEREAS, The first Kansas chapter was established in December 1875, and the organization has since served local communities in many ways, including offering scholarships, collecting and donating food and school supplies to families in need, providing support to charities and sponsoring youth organizations; and

WHEREAS, Members of the Kansas Prince Hall Grand Lodge and the Kansas Order of the Eastern Stars, both individually and as organizations, continue to make invaluable charitable contributions of service to the state of Kansas and are deserving of formal recognition for their long history of charitable relief, education and high moral standards: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we honor the men of the Prince Hall Grand Lodge of Kansas and the women of its auxiliary, the Eastern Stars of the Kansas Prince Hall Grand Chapter; and

Be it further resolved: That the Secretary of the Senate shall send enrolled copies of this resolution to Wilbur J. Brown, Eddie J. Waller and Senator Faust-Goudeau.

On emergency motion of Senator Faust-Goudeau **SR 1738** was adopted by voice vote.

Guests recognized were Hon. Wilbur J. Brown, Most Worshipful Grand Master; Joe H. Barner, Sr., Imperial Deputy of the Desert of Kansas; Sis. Eddie J. Waller, Grand Worthy Matron; Dt. Annie L. Long, Imperial Deputy for the Desert of Kansas; Bro. Terry Winbush, Sr., Right Worshipful Deputy Grand Master; Sis. Crystal E. Brown, Associate Grand Matron; Bro. George M. McCain, Jr., Grand Worthy Patron; Jesse L. Hill, Jr., Imperial Deputy of the Oasis of Wichita; Dt. Pearlle L. Mitchell, the Illustrious Commandress of Emith Court #18; Dt. Zetta M. Sims, Imperial Deputy for the Oasis of Wichita; Chad M. R. Thomas, the Illustrious Potentate of Emith Temple #30; Theodore R. Mitchell, Advisor to the Daughters/Past Potentate; James S. Webb, Advisor to the Daughters/Past Potentate; and Dt. Rosie L. Webb, Imperial Directress-Past Commandress Exaltation.

POINT OF PERSONAL PRIVILEGE

Senator Haley rose on a Point of Personal Privilege to deliver remarks on the Occasion of the Anniversary Date of the Assassination of the Reverend Doctor Martin Luther King, Junior, the following Remarks were offered: Today, April 4th, 2019 marks fifty-one (51) years to the day that a single rifle shot emanated from a depraved and racist would-be assassin. Now the bullet struck and, indeed, DID take the mortal life of the Rev. Dr. Martin Luther King, Jr. as he stood with several of his associates on a balcony of the Lorraine Hotel in Memphis, Tennessee. Where were you; what were you doing, what did you feel if you were old enough to appreciate it, when you heard that King had been shot and killed...? Gentle colleagues, I remember exactly, as a boy of ten or so, how badly frightening and confused I was watching my mother, Doris, a high school teacher, pace around at the end of our house phone's short knotted tether in my family's Kansas City, KS kitchen; intermittently shocked, crying, worried, agitated like I had never seen her before as she received and dissected the news. My dad, George, a once Kansas Senator and local attorney, who had been a classmate of Martin Luther King's at Morehouse College in Atlanta, GA wasn't home yet so my younger, and only sibling, Anne, (now a wife and mother and respected LA attorney herself), my mother and I were only three-quarters of our family "team" together to contemplate the social strife that was ensuing. Some felt the dream of civil rights for all people, the dignity that should be the birthright inured to every American; life, liberty and the pursuit of happiness irrespective of race, religion, color, creed, gender...that many, many had fought for would surely too die. But thank God the dream DIDN'T die with "the dreamer" that day, fellow Senators. Today fifty-one (51) years later, we know that civil and equal rights and race and cultural relations are, sadly, yet deplorably juxtaposed; that we, as such a naturally diverse society in this country have a long way to go to reach neutrality and acceptance. May God continue to bless the true patriots of that which makes America strong and great; the intertwining of our many peoples to salute our unique worldly culture and ability. Despite an oft ebb to the contrary of progress,

we must ever continue to stand and remember the cultivators like Dr. King who motivate and insure that one dream will not die with but one great dreamer.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **Sub SB 130** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 3, following line 16, by inserting:

"Sec. 3. K.S.A. 2018 Supp. 25-21a03 is hereby amended to read as follows: 25-21a03. (a) The secretary of state shall develop the style and form of the official primary ballot and the official general election ballot for municipal offices.

(b) The declaration of intent to become a candidate shall be prescribed by the secretary of state. The declarations for any municipality shall be filed with the county election officer not later than 12 noon, June 1, prior to the primary election in both even-numbered and odd-numbered years, or if such date falls on a Saturday, Sunday or holiday, then before 12 noon of the next day that is not a Saturday, Sunday or holiday.

~~(c) For municipalities where a primary election is not authorized or otherwise required by law, the declaration of intent to become a candidate shall be filed with the county election officer not later than 12 noon, September 1, prior to the general election in odd-numbered years, or if such date falls on a Saturday, Sunday or holiday, then before 12 noon of the next day that is not a Saturday, Sunday or holiday.~~

~~(d)~~—The secretary of state shall establish primary election procedures for primary elections for municipalities.

~~(e)~~(d) The secretary of state shall establish general election procedures for general elections for municipalities.

~~(f)~~(e) County election officers shall conduct municipal elections in odd-numbered years and elections in even-numbered years if needed.

~~(g)~~(f) The secretary of state shall adopt rules and regulations to implement this section on or before July 1, 2016.

Sec. 4. K.S.A. 80-202 is hereby amended to read as follows: 80-202. Every person elected to the office of trustee, clerk or treasurer of any township, or road overseer of any road district, shall be an elector of ~~said the~~ the township or road district at the time of ~~his or her such~~ such election or appointment, and shall ~~within twenty (20) days after he shall be notified of his or her election~~ take and subscribe the oath of office prescribed by law; ~~and shall forthwith cause such. The~~ oath to shall be filed in the office of the county clerk of his or her county; ~~and, In case the event any of such officers~~ officer shall become ~~nonresidents a nonresident~~ a nonresident of their respective townships the township or road districts, ~~their offices~~ district, the office shall ~~at once~~ become vacant.

Sec. 5. K.S.A. 72-1073 is hereby amended to read as follows: 72-1073. The provisions of law relating to the term of office of members of boards of education, including method and time of qualification and of taking office shall apply to every school district in this state. In the event no candidate is elected to a position on the board of education of a school district in a regular election, or if an elected member moves out of the school district after such member is elected and before such member takes office the second Monday in January following ~~July 1 the election~~, or if such

member becomes ineligible to serve for any other reason during that period of time, the holdover member shall continue to sit as a voting member of the board of education of such school district until an eligible successor is appointed by the board of education to fill the position. ~~Such successor shall be appointed not later than November 15 next following the regular election of board members.~~

Sec. 6. K.S.A. 72-1133 is hereby amended to read as follows: 72-1133. (a) At the first meeting of the board of education ~~in July on or after the second Monday in January~~ of each year, or at a later meeting during that calendar year if so determined by the board at the first meeting, the board shall elect a president and vice-president, both of whom shall be members of the board. The president and vice-president shall each serve for a term of one ~~(1)~~ year and until ~~his~~ a successor is elected and qualified.

(b) The president shall preside at meetings of the board and perform such other duties as are provided by law.

(c) In the absence or inability to act of the president, the vice-president shall perform the duties of the president. In the absence or inability to act of both the president and vice-president, the remaining members shall select a member to act in the capacity of president.

Sec. 7. K.S.A. 72-1138 is hereby amended to read as follows: 72-1138. (a) The board shall meet at least once each month. ~~During the month of July. On or after the second Monday in January and before February 1~~ of each year, or at a later date during that calendar year if so determined by the board at the first meeting of the board on or after the second Monday in January of each year, the board shall adopt a resolution specifying a regular meeting time of the board and the regular hour of commencement of the meeting, as well as the day of the week and the week of the month. Such resolution also shall specify the alternative date and time of any meeting if the regular meeting date occurs on a Sunday or on a legal holiday or on a holiday specified by the board. Such resolution also shall specify the regular meeting place of the board and may specify that any regular meeting may be adjourned to another time and place. If the board cancels a regularly scheduled meeting because of an emergency, within 24 hours of such cancellation, the board shall establish and give notice of the new meeting date and time. Special meetings may be called at any time by the president of the board or by joint action of any three members of the board. Unless waived, written notice, stating the time and place of any special meeting and the purpose for which called, shall be given each member of the board at least two days in advance of the special meeting and no business other than that stated in the notice shall be transacted at such meeting. A majority of the full membership of the board shall constitute a quorum for the purpose of conducting any business of the school district, and the vote of a majority of the full membership of the board shall be required for the passage of any motion or resolution. Any member who abstains from voting shall be counted as having voted against the motion or resolution. If a member announces a conflict of interest with regard to the issue, the member may leave the meeting until the voting on the issue is concluded, and the member who abstains from voting thereby shall not be counted as having voted.

(b) Except as otherwise provided by law, the board shall have and may exercise the same powers and authorities as were immediately prior to this act conferred uniformly upon boards of education in cities of the first class, and, in addition thereto, the powers and authority expressly conferred by law.

(c) The board shall have authority to prescribe courses of study for each year of the

school program and to adopt rules and regulations for teaching in the school district and general government thereof, and to approve and adopt suitable textbooks and study material for use therein subject to the plans, methods, rules and regulations of the state board of education.

(d) The board may provide legal counsel at district expense to any members of the board of education, or school district officers or employees who are sued in situations relating to and arising out of the performance of their office or employment. No teacher or other employment contract shall make reference to or incorporate the provisions of this subsection, nor shall the provisions of this subsection be construed ~~as~~ to be any part of the consideration of employment of any teacher, officer or other employee of the board.

(e) (1) The board may transact all school district business and adopt policies that the board deems appropriate to perform its constitutional duty to maintain, develop and operate local public schools.

(2) The power granted by this subsection shall not be construed to relieve a board from compliance with state law.

The power granted by this subsection shall not be construed to relieve any other unit of government of its duties and responsibilities ~~which that~~ are prescribed by law, nor to create any responsibility on the part of a school district to assume the duties or responsibilities ~~which that~~ are required of another unit of government.

(3) The board shall exercise the power granted by this subsection by resolution of the board of education.

Sec. 8. K.S.A. 72-1088 is hereby amended to read as follows: 72-1088. The issue of the change of method of election or voting plan, or both, in any school district may be made in the manner provided in this act at any time during the period beginning on the first Wednesday in November of each even-numbered year and ending on the first Tuesday in June of each odd-numbered year, if such change is also approved in a manner authorized in this act before the end of such period submitted to voters at any primary election or general election as defined in K.S.A. 25-2502, and amendments thereto, or at a special election called for such purpose. If approved by voters, the new method of election and voting plan in such the school district shall be followed in the election of members next following such the change and shall continue in force until again changed in the manner provided in this act. Change of method of election or voting plan shall not shorten the term of any member serving on the board at the time the change is made, and the county election officer shall not submit to election any plan of change which violates this prohibition.;

Also on page 3, in line 17, before "K.S.A." by inserting "K.S.A. 72-1073, 72-1088, 72-1133, 72-1138, and 80-202 and"; also in line 17, before "and" by inserting ", 25-21a03"; in line 20, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the first "concerning" by inserting "municipal"; also in line 1, after "elections" by inserting "and election related matters"; also in line 1, by striking all after the first semicolon; in line 2, by striking all before "amending"; also in line 2, after "amending" by inserting "K.S.A. 72-1073, 72-1088, 72-1133, 72-1138 and 80-202 and"; also in line 2, after "25-1124" by inserting ", 25-21a03";

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

WILLIAM SUTTON
BLAKE CARPENTER
BRETT PARKER

Conferees on part of House

ELAINE BOWERS
RANDALL HARDY
DAVID HALEY

Conferees on part of Senate

Senator Bowers moved the Senate adopt the Conference Committee Report on **Sub SB 130**.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Petersen, Pettey, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn.

Nays: Pilcher-Cook.

Present and Passing: Olson.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MADAM PRESIDENT: Your committee on conference on Senate amendments to **S Sub HB 2007** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 2, in line 36, before "partly" by inserting "solely or"; in line 43, before "partly" by inserting "solely or";

On page 3, in line 3, after "financed" by inserting "solely or"; in line 18, before "partly" by inserting "solely or";

On page 4, in line 11, before "partly" by inserting "solely or"; in line 19, before "partly" by inserting "solely or"; in line 41, by striking "and"; in line 43, after "feasibility" by inserting "; and

(F) at least one local public meeting to review the project during the feasibility study process";

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

MIKE PETERSEN
DAN GODDARD
PAT PETTEY

Conferees on part of Senate

RICHARD PROEHL
JACK THIMISCH
HENRY HELGERSON

Conferees on part of House

Senator Petersen moved the Senate adopt the Conference Committee Report on **S Sub HB 2007**.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn.

Nays: Pilcher-Cook.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MADAM PRESIDENT: Your committee on conference on Senate amendments to **HB 2031** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 4, in line 38, by striking "section" and inserting "subsection";

On page 6, following line 6, by inserting:

"Sec. 2. K.S.A. 74-4909 is hereby amended to read as follows: 74-4909. (1) The board of trustees shall be responsible for the general administration of the system, subject to the provisions of this act.

(2) The board shall establish rules and regulations for the administration of the system and for the transaction of business consistent with law, which rules and regulations shall be filed in the office of the secretary of state.

(3) The board shall be responsible for the installation of a complete and adequate system of accounts and records. The board shall contract with the department of administration to provide such accounting services as are necessary to avoid duplication of efforts and promote efficiency. The board shall pay the department of administration an amount not exceeding the actual cost incurred in providing this service, which payments shall be deposited in the state treasury and then credited to the state general fund.

(4) All meetings of the board shall be open to the public. The board shall keep a record of all proceedings.

(5) The board may prescribe rules and regulations for the determination of the value of maintenance, board, lodging, laundry and other allowances to employees in lieu of money.

(6) The board may adopt all necessary actuarial tables to be used in the operation of the system as recommended by the actuary, and may compile such additional data as may be necessary for required actuarial valuations and calculations. Whenever the amount of any benefit is to be determined on the basis of actuarial assumptions, the assumptions specified by the board in a way that precludes employer discretion.

(7) Subject to the provisions of K.S.A. 74-49,123, and amendments thereto, the board or the investment committee may invest all cash not required for current payments in securities eligible for investment under this act. All actions of the investment committee shall be reported to the board at the first meeting of the board

following the action of the investment committee.

(8) The board, as soon after the close of the fiscal year as practical, shall publish for distribution among members a financial statement showing the financial status of the system.

(9) All decisions of the board as to questions of fact shall be final and conclusive on all persons except for the right of review as provided by law and except for fraud or such gross mistake of fact as to have an effect equivalent to fraud.

(10) Each member's account and records shall be administered in a confidential manner and specific data regarding the member shall not be released unless authorized in writing by the member; however, the board may release information to the employer or to other state and federal agencies as the board deems necessary.

(11) The board shall develop and adopt a specific plan which outlines strategies, goals, procedures and related costs, including additional employees necessary to carry out the provisions of this subsection, to provide for the system's internal management of the investment and reinvestment of moneys of the fund as provided in K.S.A. 74-4921, and amendments thereto. Such internal management would replace the management of all or part of the fund by persons the board has contracted with as provided in ~~subsection (7) of~~ K.S.A. 74-4921(7), and amendments thereto. The board shall report such plan developed pursuant to this subsection to the legislature and the governor on or before January 1, 1993.

(12) The board shall adopt rules and regulations providing the requirements and procedures for the election of members of the board by members and retirants of the system as provided in ~~subsection (a)(2) of~~ K.S.A. 74-4905(a)(2), and amendments thereto, and for the filling of any vacancy involving such elected member of the board.

(13) The board shall cooperate with and provide any assistance to the actuary, the legislative coordinating council and the joint committee on pensions, investments and benefits related to the independent actuarial audit and evaluation as provided in K.S.A. 74-4908a, and amendments thereto.

(14) The board shall be responsible for the administration of the Kansas public employees deferred compensation plan and all related functions as prescribed in K.S.A. 74-4911f, ~~K.S.A. 74-49b01 through 74-49b06, and amendments thereto,~~ and the Kansas public employees deferred compensation act, K.S.A. 74-49b07 et seq., and amendments thereto.

(15) The board is hereby authorized and empowered, in the exercise of its fiduciary duty to act in the best interest of the Kansas public employees retirement fund, and in the maintenance of transparency in state government, to:

(a) Develop policies and procedures generally applicable to the procurement of goods and services, based upon sound business practices;

(b) make and enter into contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act in a manner consistent with the professional services sunshine act, K.S.A. 2018 Supp. 75-37,130 through 75-37,135, and amendments thereto; and

(c) authorize in-state and out-of-state travel for trustees and employees of the system in accordance with the provisions of K.S.A. 75-3203a, and amendments thereto.

Sec. 3. K.S.A. 74-4911 is hereby amended to read as follows: 74-4911. (1) Any employee of a participating employer other than an elected official on the entry date of such employer shall be a member of the system on either the entry date or the first day

of the payroll period coinciding with or following the completion of one year of service, whichever is later, except that an employee of a participating employer who was first employed by a participating employer on or after July 1, 2008, but before July 1, 2009, shall be a member on July 1, 2009, and except that an employee who is first employed by a participating employer on or after July 1, 2009, shall be a member of the system on the first day of employment of such employee with such participating employer. On and after July 1, 2019, employees employed in direct support positions of an affiliated employer organized under K.S.A. 19-4001, and amendments thereto, and defined under K.S.A. 39-1803, and amendments thereto, may become a member of the system on the first day of the payroll period coinciding with or following the completion of a two-year period of training, whichever is later. For purposes of this act occasional breaks in service which shall not exceed an aggregate of 10 days in any such year shall not constitute a break in service for purposes of determining the membership date of such employee.

(2) Except as otherwise provided in this subsection, any employee other than an elected official who is employed by a participating employer after the entry date of such employer shall be a member of the system on the first day of the payroll period coinciding with or following completion of one year of continuous service. For purposes of this act, occasional breaks in service which shall not exceed an aggregate of 10 days in any such year shall not constitute a break in continuous service for purposes of determining the membership date of such employee. For purposes of this subsection, any employee of a local governmental unit which has its own pension plan who becomes an employee of a participating employer as a result of a merger or consolidation of services provided by local governmental units, which occurred on January 1, 1994, may count service with such local governmental unit in determining whether such employee has met the one year of continuous service requirement contained in this subsection.

(3) Any employee who is an elected official and is eligible to join the system shall file, within 90 days after taking the oath of office, an irrevocable election to become or not to become a member of the system. Such election shall become effective immediately upon making such election, if such election is made within 14 days of taking the oath of office or, otherwise, on the first day of the first payroll period of the first quarter following receipt of the election in the office of the retirement system. In the event that such elected official fails to file the election to become a member of the retirement system, it shall be presumed that such person has elected not to become a member.

(4) Except as otherwise required by USERRA, any employee other than an elected official who is in military service or on leave of absence on the entry date of such employee's employer shall become a member of the system upon returning to active employment or on the first day of the payroll period coinciding with or following the completion of one year of service, whichever is later. For purposes of this act, occasional breaks in service which shall not exceed an aggregate of 10 days in any such year shall not constitute a break in service for purposes of determining the membership date of such employee.

(5) Any employee of the state of Kansas other than an elected official, who is receiving or is eligible for assistance by the state board of regents in the purchase of a retirement annuity under K.S.A. 74-4925, and amendments thereto, and who becomes

ineligible for such assistance because such employee's position is reclassified to a position in the classified service under the Kansas civil service act, or who becomes ineligible for such assistance because such person accepts and transfers to a position in the classified service under the Kansas civil service act shall be a member of the system on the first day of the payroll period coinciding with or following the effective date of such reclassification or transfer. Any such employee who became ineligible for such assistance prior to the effective date of this act because of such a reclassification or such a transfer occurring prior to the effective date of this act and who is not a member of the system on the effective date of this act shall be a member of the system on the first day of the payroll period coinciding with or following the effective date of this act.

(6) Any employee of the state board of regents or of an educational institution under its management, other than an elected official, who is a member of the system and who becomes ineligible to be a member of the system because such employee's position is reclassified to a position under the Kansas civil service act which is eligible for assistance by the state board of regents in the purchase of a retirement annuity under K.S.A. 74-4925, and amendments thereto, or who becomes ineligible to be a member of the system because such employee transfers to a position under the Kansas civil service act which is eligible for such assistance, shall become eligible for such assistance in accordance with the provisions of K.S.A. 74-4925, and amendments thereto, unless such employee files a written election in the office of the retirement system, in the form and manner prescribed by the board of trustees thereof, to remain a member of the system prior to the first day of the first complete payroll period occurring after the effective date of such reclassification or transfer. Failure to file such written election shall be presumed to be an election not to remain a member of the system and to become eligible for assistance by the state board of regents in the purchase of a retirement annuity under K.S.A. 74-4925, and amendments thereto. Such election, whether to remain a member of the system or to become eligible for such assistance, shall be effective as of the effective date of such reclassification or transfer, and shall be irrevocable.

(7) Any elected official who at the time of becoming an elected official is already a member of the system by being or having been an employee of a participating employer shall continue as a member of the system.

Sec. 4. K.S.A. 74-4914 is hereby amended to read as follows: 74-4914. (1) The normal retirement date for a member of the system shall be the first day of the month coinciding with or following termination of employment with any participating employer not followed by employment with any participating employer within 60 days, or 180 days as provided in subsection (10), and without any prearranged agreement for employment with any participating employer, and the attainment of age 65 or, commencing July 1, 1993, age 62 with the completion of 10 years of credited service or the first day of the month coinciding with or following the date that the total of the number of years of credited service and the number of years of attained age of the member is equal to or more than 85. In no event shall a normal retirement date for a member be before six months after the entry date of the participating employer by whom such member is employed. A member may retire on the normal retirement date or on the first day of any month thereafter upon the filing with the office of the retirement system of an application in such form and manner as the board shall prescribe. Such application shall contain a certification by the member that the member will not be

employed with any participating employer within 60 days, or 180 days as provided in subsection (10), of retirement and the member has not entered into a prearranged agreement for employment with any participating employer. Nothing herein shall prevent any person, member or retirant from being employed, appointed or elected as an employee, appointee, officer or member of the legislature. Elected officers may retire from the system on any date on or after the attainment of the normal retirement date, but no retirement benefits payable under this act shall be paid until the member has terminated such member's office.

(2) No retirant shall make contributions to the system or receive service credit for any service after the date of retirement.

(3) Any member who is an employee of an affiliating employer pursuant to K.S.A. 74-4954b, and amendments thereto, and has not withdrawn such member's accumulated contributions from the Kansas police and firemen's retirement system may retire before such member's normal retirement date on the first day of any month coinciding with or following the attainment of age 55.

(4) Any member may retire before such member's normal retirement date on the first day of any month coinciding with or following termination of employment with any participating employer not followed by employment with any participating employer within 60 days, or 180 days as provided in subsection (10), and the attainment of age 55 with the completion of 10 years of credited service, but in no event before six months after the entry date, upon the filing with the office of the retirement system of an application for retirement in such form and manner as the board shall prescribe. The member's application for retirement shall contain a certification by the member that the member will not be employed with any participating employer within 60 days, or 180 days as provided in subsection (10), of retirement and the member has not entered into a prearranged agreement for employment with any participating employer.

(5) Except as provided in subsections (7) and (10), on or after July 1, 2006, through December 31, 2017, for any retirant who is first employed or appointed in or to any position or office by a participating employer other than a participating employer for which such retirant was employed or appointed during the final two years of such retirant's participation, and, on or after April 1, 2009, for any retirant who is employed by a third-party entity who contracts services with a participating employer other than a participating employer for which such retirant was employed or appointed during the final two years of such retirant's participation to fill a position covered under K.S.A. 72-5410(a), and amendments thereto, with such retirant, such participating employer shall pay to the system the actuarially determined employer contribution and the statutorily prescribed employee contribution based on the retirant's compensation during any such period of employment or appointment. If a retirant is employed or appointed in or to any position or office for which compensation for service is paid in an amount equal to \$25,000 or more in any one calendar year between July 1, 2016, and January 1, 2018, by any participating employer for which such retirant was employed or appointed during the final two years of such retirant's participation, and, on or after April 1, 2009, by any third-party entity who contracts services to fill a position covered under K.S.A. 72-5410(a), and amendments thereto, with such retirant with a participating employer for which such retirant was employed or appointed during the final two years of such retirant's participation, such retirant shall not receive any retirement benefit for any month for which such retirant serves in such position or office. The participating

employer who employs such retirant whether by contract directly with the retirant or through an arrangement with a third-party entity shall report to the system within 30 days of when the compensation paid to the retirant is equal to or exceeds any limitation provided by this section. Any participating employer who contracts services with any such third-party entity to fill a position covered under K.S.A. 72-5410(a), and amendments thereto, shall include in such contract a provision or condition which requires the third-party entity to provide the participating employer with the necessary compensation paid information related to any such position filled by the third-party entity with a retirant to enable the participating employer to comply with provisions of this subsection relating to the payment of contributions and reporting requirements. The provisions and requirements provided for in amendments made in this act which relate to positions filled with a retirant or employment of a retirant by a third-party entity shall not apply to any contract for services entered into prior to April 1, 2009, between a participating employer and third-party entity as described in this subsection. Any retirant employed by a participating employer or a third-party entity as provided in this subsection shall not make contributions nor receive additional credit under such system for such service except as provided by this section. Upon request of the executive director of the system, the secretary of revenue shall provide such information as may be needed by the executive director to carry out the provisions of this act. The provisions of this subsection shall not apply to retirants employed as substitute teachers without a contract or officers, employees or appointees of the legislature. The provisions of this subsection shall not apply to members of the legislature. The provisions of this subsection shall not apply to any other elected officials. Commencing July 1, 2005, the provisions of this subsection shall not apply to retirants who either retired under the provisions of subsection (1), or, if they retired under the provisions of subsection (4), were retired more than 30 days prior to the effective date of this act and are licensed professional nurses or licensed practical nurses employed by the state of Kansas in an institution as defined in K.S.A. 76-12a01(b) or K.S.A. 38-2302(k), and amendments thereto, the Kansas soldiers' home or the Kansas veterans' home. Nothing in this subsection shall be construed to create any right, or to authorize the creation of any right, which is not subject to amendment or nullification by act of the legislature. The participating employer of such retirant shall pay to the system the actuarially determined employer contribution based on the retirant's compensation during any such period of employment. The provisions of the subsection shall expire on January 1, 2018.

(6) For purposes of this section, any employee of a local governmental unit which has its own pension plan who becomes an employee of a participating employer as a result of a merger or consolidation of services provided by local governmental units, which occurred on January 1, 1994, may count service with such local governmental unit in determining whether such employee has met the years of credited service requirements contained in this section.

(7) (a) (i) Except as provided in K.S.A. 74-4937(3), (4), or (5), and amendments thereto, and the provisions of this subsection, commencing July 1, 2016, and ending January 1, 2018, any retirant who is employed or appointed in or to any position by a participating employer, an independent contractor or a third-party entity who contracts services with a participating employer to fill a position, without any prearranged agreement with such participating employer and not prior to 60 days after such retirant's

retirement date, shall not receive any retirement benefit for any month in any calendar year in which the retirant receives compensation in an amount equal to \$25,000 or more, pursuant to this subsection. Any participating employer who hires a retirant covered by this subsection shall pay to the system the statutorily prescribed employer contribution rate for such retirant, without regard to whether the retirant is receiving benefits.

(ii) Commencing January 1, 2018, for all retirements that occurred prior to such date, any retirant who is employed or appointed in or to any position by a participating employer, an independent contractor or a third-party entity who contracts services with a participating employer to fill a position, without any prearranged agreement with such participating employer and not prior to 60 days after such retirant's retirement date, shall not be subject to an earnings limitation that when met or exceeded requires that the retirant not receive a retirement benefit for any month for which such retirant serves in such position. If a retirant is employed in a covered position, as defined in K.S.A. 74-49,202, and amendments thereto, the participating employer of such retirant shall pay to the system the statutorily prescribed employer contribution rate on the first \$25,000 of such retirant's compensation in a calendar year and a 30% employer contribution on any compensation in excess of \$25,000 in a calendar year during any such period of employment. If a retirant is employed by more than one participating employer or performing duties in more than one position, contributions shall be made on compensation from all such employment for that calendar year. If a retirant is employed in a non-covered position, no employer contribution shall be paid to the system.

(b) The provisions of this subsection shall not apply, except as specifically provided in this subsection, to retirants who are:

(i) Licensed professional nurses or licensed practical nurses employed by the state of Kansas in an institution as defined in K.S.A. 76-12a01(b) or 38-2302(k), and amendments thereto, the Kansas soldiers' home or the Kansas veterans' home. The participating employer of such retirant shall pay to the system the actuarially determined employer contribution based on the retirant's compensation and the statutorily prescribed employee contribution during any such period of employment;

(ii) employed by a school district in a position as provided in K.S.A. 74-4937(3), (4) or (5), and amendments thereto;

(iii) certified law enforcement officers employed by the law enforcement training center. Such law enforcement officers shall receive their benefits notwithstanding this subsection. The law enforcement training center shall pay to the system the actuarially determined employer contribution and the statutorily prescribed employee contribution based on the retirant's compensation during any such period of employment;

(iv) members of the Kansas police and firemen's retirement system pursuant to K.S.A. 74-4951 et seq., and amendments thereto, members of the retirement system for judges pursuant to K.S.A. 20-2601 et seq., and amendments thereto, or members of the state board of regents retirement plan pursuant to K.S.A. 74-4925 et seq., and amendments thereto;

(v) employed as substitute teachers without a contract or officers, employees or appointees of the legislature;

(vi) a poll worker hired to work an election day for a county election officer responsible for conducting all official elections held in the county;

(vii) employed by, or have accepted employment from, a participating employer

prior to May 1, 2015. Any break in continuous employment by a retirant or move to a different position by a retirant during the effective period of this subsection shall be deemed new employment and shall subject the retirant to the provisions of this subsection. Commencing January 1, 2018, the participating employer of a retirant described in this subsection (7)(b)(vii) who is employed in a covered position, as defined in K.S.A. 74-49,202, and amendments thereto, shall pay to the system the statutorily prescribed employer contribution rate on the first \$25,000 of such retirant's compensation in a calendar year and a 30% employer contribution on any compensation in excess of \$25,000 in a calendar year during any such period of employment. If a retirant is employed by more than one participating employer or performing duties in more than one position, contributions shall be made on compensation from all such employment for that calendar year. If a retirant is employed in a non-covered position, no employer contribution shall be paid to the system; ~~or~~

(viii) state or local elected officials. A retirant shall not be employed in an elected office within 30 days of such retirant's retirement, except that if a retirant is filling a vacant elected office, no waiting period shall be required; ~~or~~

(ix) employed by the Kansas academies of the United States department of defense STARBASE program.

(c) The participating employer shall enroll all retirants, including retirants under subsection (7)(b)(i), (ii), (iii), (vii) and (viii), and report to the system when compensation is paid to a retirant as provided in this subsection. Such report shall contain a certification by the appointing authority of the participating employer that any hired retirant has not been employed by the participating employer within 60 days of such retirant's retirement and that there was no prearranged agreement for employment between the participating employer and the hired retirant. Upon request of the executive director of the system, the participating employer shall provide such information as may be needed by the executive director to carry out the provisions of this subsection. No retirant shall make contributions to the system or receive credit for service while employed under the provisions of this subsection.

(d) A participating employer may employ a retirant without regard to the compensation limitation in this subsection for a period of one calendar year or one school year, as the case may be, if the following requirements are met:

(i) The employer certifies to the board that the position being filled has been vacated due to an unexpected emergency or the employer has been unsuccessful in filling the position;

(ii) the employer pays to the system a 30% employer contribution based on the retirant's compensation during any such period of employment; and

(iii) the employer maintains documentation of its efforts to fill the position with a non-retirant and provides such documentation to the joint committee on pensions, investments and benefits upon request of the committee.

The provisions of this paragraph shall expire on January 1, 2018.

(e) An employer may submit a written assurance protocol to the system to extend the exception provided for in subsection (7)(d) by one-year increments for a total extension not to exceed three years. A written assurance protocol shall be submitted to the system for each one-year increment extension. If a school district submits a written assurance protocol, such written assurance protocol shall be signed by the superintendent and the board president of such school district. If a municipality, as

defined in K.S.A. 75-1117, and amendments thereto, other than a school district, submits a written assurance protocol, such written assurance protocol shall be signed by the governing body or such governing body's designee for such municipality. Such written assurance protocol shall state that the position was advertised on multiple platforms for a minimum of 30 calendar days and that at least one of the following conditions occurred:

- (i) No applications were submitted for the position;
- (ii) if applications were submitted, none of the applicants met the reference screening criteria of the employer; or
- (iii) if applications were submitted, none of the applicants possessed the appropriate licensure, certification or other necessary credentials for the position.

The provisions of this paragraph shall expire on January 1, 2018.

(f) Retirants who are independent contractors or employees of third-party entities who contract with a participating employer, shall not be subject to the compensation limitation or employer contribution requirements in this subsection or the requirements of subsection (7)(c) regarding enrollment and reporting to the system, so long as all of the following apply:

(A) The contractual relationship was not created to allow the retirant to continue employment with the participating employer after retirement in a position similar to the one such retirant held prior to retirement;

(B) the activities performed by the independent contractor or third-party entity are not normally performed exclusively by employees of that participating employer; and

(C) the retirant meets the classification of independent contractor as provided in K.S.A. 2018 Supp. 44-768, and amendments thereto, or activities performed by the third-party entity that employs the retirant are performed on a limited-term basis and the third-party entity is not a participating employer in the system.

(g) Nothing in this subsection shall be construed to create any right, or to authorize the creation of any right, which is not subject to amendment or nullification by act of the legislature.

(8) (a) Except as provided in subsection (8)(b), if determined by the retirement system that a retirant entered into a prearranged agreement for employment with a participating employer prior to such retirant's retirement and prior to the end of the subsequent 60-day waiting period, or the 180-day waiting period under subsection (10), the monthly retirement benefit of such retirant shall be suspended during the period that begins on the month in which the retirant is re-employed and ends six months after the retirant's termination of such employment. The retirant shall repay to the retirement system all monthly retirement benefits paid to the retirant by the retirement system that the retirant received after such employment began. The participating employer which hired such retirant shall be required to pay to the system any fees, fines, penalties or any other cost imposed by the internal revenue service and indemnify the system for any cost incurred by the system to defend any action brought by the internal revenue service based on in-service distributions which are a result of any determined prearranged agreement and for any cost incurred by the system to collect any monthly retirement benefit required to be repaid by such retirant pursuant to this subsection.

(b) For members who retired on and after July 1, 2016, and on or before July 1, 2019, if determined by the retirement system that a retirant entered into a prearranged agreement for employment with a participating employer prior to such retirant's

retirement date and the subsequent 60-day waiting period, or the 180-day waiting period under subsection (10), and upon being notified of the violation, the retirant terminated such employment, the provisions of subsection (a) shall not apply. If any retirant had benefits suspended prior to July 1, 2019, such benefits shall be reimbursed by the retirement system, if the retirant terminated such prearranged employment in accordance with the provisions of this act. On and after July 1, 2019, the executive director may waive such penalties under this subsection if it is determined by the retirement system that any of the following conditions were satisfied:

- (i) The retirant's total length of reemployment was less than 21 calendar days;
- (ii) the retirant's total compensation during the total length of reemployment was less than 10% of the amount of such retirant's retirement benefit that would be suspended pursuant to this subsection; or
- (iii) other facts and circumstances indicated that the retirant would not have been reemployed but for an error on the part of the participating employer or the retirement system in verifying the retirement status of such retirant and such retirant immediately terminated employment upon being notified of the violation.

(c) On or before the first day of each regular session of the legislature, beginning with the 2020 regular session, the executive director shall submit an annual report on the number of waivers granted pursuant to subsection (8)(b) in the prior calendar year to the joint committee on pensions, investments and benefits, the house of representatives standing committee on financial institutions and pensions and the senate standing committee on financial institutions and insurance, or the successors of such committees.

(9) For the purposes of this section a prearranged agreement for employment may be determined by whether the facts and circumstances of the situation indicate that the employer and employee reasonably anticipated that further services would be performed after the employee's retirement.

(10) (a) Notwithstanding the provisions of subsection (5) or (7) to the contrary, commencing January 1, 2018, any retirant who is retired more than 60 days, if such retirant's age on the date of retirement is 62 or older, or is retired more than 180 days, if such retirant's age on the date of retirement is less than 62, and who is subsequently hired without any prearranged agreement with the participating employer in a covered position, as defined in K.S.A. 74-49,202, and amendments thereto, or an independent contractor or a third-party entity who contracts service to fill such covered position shall not be subject to an earnings limitation that when met or exceeded requires that the retirant not receive a retirement benefit for any month for which such retirant serves in such covered position. The participating employer of such retirant shall pay to the system the statutorily prescribed employer contribution rate on the first \$25,000 of such retirant's compensation in a calendar year and a 30% employer contribution on any compensation in excess of \$25,000 in a calendar year during any such period of employment. If a retirant is employed by more than one participating employer or performing duties in more than one position, contributions shall be made on compensation from all such employment for that calendar year.

(b) Notwithstanding the provisions of subsection (5) or (7) to the contrary, commencing January 1, 2018, any retirant who is retired more than 60 days, if such retirant's age on the date of retirement is 62 or older, or is retired more than 180 days, if such retirant's age on the date of retirement is less than 62, and who is subsequently hired without any prearranged agreement with the participating employer in a non-

covered position, or an independent contractor or a third-party entity who contracts service to fill such non-covered position, shall not be subject to an earnings limitation that when met or exceeded requires that the retirant not receive a retirement benefit for any month for which such retirant serves in such non-covered position. No employer contribution shall be paid to the system on compensation paid to a retirant hired in a non-covered position.

(c) The participating employer shall enroll all retirants, including retirants under subsection (7)(b)(i), (ii), (iii), (vii) and (viii), and report to the system when compensation is paid to a retirant as provided in this subsection. Such report shall contain a certification by the appointing authority of the participating employer that any hired retirant has not been employed by the participating employer within 60 days of such retirant's retirement in the case of a retirant whose age on the date of retirement is 62 or older, or within 180 days of such retirant's retirement in the case of a retirant whose age on the date of retirement is less than 62, and that there was no prearranged agreement for employment between the participating employer and the hired retirant. Upon request of the executive director of the system, the participating employer shall provide such information as may be needed by the executive director to carry out the provisions of this subsection. No retirant shall make contributions to the system or receive credit for service while employed under the provisions of this subsection.

(d) The provisions of this subsection relating to an earnings limitation and employer contributions shall not apply to any retirant described in subsection (7)(b) or to retirants who are independent contractors or employees of third-party entities who contract with a participating employer as described in subsection (7)(f), except as specifically provided in this subsection.

(e) Nothing in this subsection shall be construed to create any right, or to authorize the creation of any right that is not subject to amendment or nullification by act of the legislature.

Sec. 5. K.S.A. 74-4986f is hereby amended to read as follows: 74-4986f. (a) As used in this act, unless otherwise provided or the context otherwise requires:

- (1) "Act" means the Kansas deferred retirement option program act;
- (2) "board" means the board of trustees of the Kansas public employees retirement system;
- (3) "DROP" means the deferred retirement option program established by K.S.A. 74-4986m, and amendments thereto;
- (4) "DROP account" means the notional account to which is credited the monthly DROP accrual;
- (5) "DROP period" means the period of time that a member irrevocably elects to participate in the DROP pursuant to K.S.A. 74-4986n, and amendments thereto;
- (6) "member" means a trooper, examiner or officer of the Kansas highway patrol or an agent of the Kansas bureau of investigation who is eligible to participate in the DROP and who elects to participate in the DROP as provided in this act;
- (7) "monthly DROP accrual" means the amount equal to the monthly retirement benefit that would have been payable to the member had the member terminated service and retired on the day the member elected; and
- (8) "system" means the Kansas police and firemen's retirement system.

(b) Unless specifically provided in this section or in this act, words and phrases used in this act shall have the meanings ascribed to them as provided under the

provisions of K.S.A. 74-4901 et seq. and K.S.A. 74-4951 et seq., and amendments thereto.

Sec. 6. K.S.A. 74-4986p is hereby amended to read as follows: 74-4986p. (a) A member's participation in the DROP ceases on the occurrence of the earliest of the following:

(1) Termination of the member's active service with the Kansas highway patrol or Kansas bureau of investigation;

(2) the last day of the member's elected DROP period that begins on the effective date of the member's election to participate in the DROP;

(3) retirement due to disability as defined in K.S.A. 74-4952, and amendments thereto; or

(4) the member's death.

(b) If a member dies before taking a distribution from such member's DROP account, the member's designated beneficiary shall receive a lump-sum payment equal to the member's DROP account balance, including any lump sum credited as provided in K.S.A. 74-4986o(d), and amendments thereto. If the DROP member has not named a beneficiary for such member's DROP account, the amount in the DROP account shall be paid to the beneficiary of the member's retirement benefit.

Sec. 7. K.S.A. 74-4986r is hereby amended to read as follows: 74-4986r. The provisions of K.S.A. 74-4986k through 74-4986r, and amendments thereto, shall expire on January 1, ~~2020~~ 2025.;

Also on page 6, in line 7, after "K.S.A." by inserting "74-4909, 74-4911, 74-4914,"; also in line 7, by striking "is" and inserting ", 74-4986l, 74-4986p and 74-4986r are"; in line 9, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "police"; in line 2, by striking all before "retirement" and inserting "public employees"; also in line 2, after "system" by inserting "and systems thereunder"; also in line 2, after "service-connected" by inserting "in the Kansas police and firemen's retirement system; powers and duties of the board of trustees; developing procedures for procurement of goods and services; making and entering into certain contracts; authorizing travel for trustees and employees of the system; relating to membership waiting period for direct support positions of community developmental disability organizations; employment after retirement, exempting individuals employed by the Kansas academies of the United States department of defense STARBASE program, providing certain retirants exemption from penalties, authorizing reimbursement of certain suspended retirement benefits, conditions for penalty waiver; relating to the deferred retirement option program act, including agents of the Kansas bureau of investigation as members, extending sunset date"; in line 3, after "K.S.A." by inserting "74-4909, 74-4911, 74-4914,"; also in line 3, after "74-4952" by inserting ", 74-4986l, 74-4986p and 74-4986r"; also in line 3, by striking "section" and inserting "sections";

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

ROB OLSON
RICK BILLINGER
MARY WARE

Conferees on part of Senate

JIM KELLY
BOYD ORR
GAIL FINNEY

Conferees on part of House

Senator Olson moved the Senate adopt the Conference Committee Report on **HB 2031**.

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

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

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MADAM PRESIDENT: Your committee on conference on Senate amendments to **HB 2039** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 1, by striking all in lines 4 through 20 and inserting:

"New Section 1. (a) Unless otherwise provided in an operating agreement, any person may enter into an operating agreement or amendment thereof by an agent, including an attorney-in-fact. An authorization, including a power of attorney, to enter into an operating agreement or amendment thereof need not be in writing, need not be sworn to, verified or acknowledged.

(b) For all purposes of the laws of the state of Kansas, unless otherwise provided in an operating agreement, a power of attorney or proxy with respect to a limited liability company granted to any person shall be irrevocable if it states that it is irrevocable and it is coupled with an interest sufficient in law to support an irrevocable power or proxy. Such irrevocable power of attorney or proxy, unless otherwise provided therein or in an operating agreement, shall not be affected by subsequent death, disability, incapacity, dissolution, termination of existence or bankruptcy of, or any other event concerning, the principal. A power of attorney or proxy with respect to matters relating to the organization, internal affairs or termination of a limited liability company or granted by a person as a member or an assignee of a limited liability company interest or by a person seeking to become a member or an assignee of a limited liability company interest and, in either case, granted to the limited liability company, a manager or member thereof, or any of their respective officers, directors, managers, members, partners, trustees, employees or agents shall be deemed coupled with an interest sufficient in law to support an irrevocable power or proxy. The provisions of this subsection shall not be construed to limit the enforceability of a power of attorney or proxy that is part of an operating agreement.

New Sec. 2. (a) As used in this section, and section 7, and amendments thereto, and K.S.A. 17-7675, and amendments thereto:

(1) "Dividing company" means the domestic limited liability company that is effecting a division in the manner provided in this section.

(2) "Division" means the division of a dividing company into two or more domestic limited liability companies in accordance with this section.

(3) "Division company" means a surviving company, if any, and each resulting company.

(4) "Division contact" means, in connection with any division, a natural person who is a Kansas resident, any division company in such division or any other domestic limited liability company or other domestic entity as defined in K.S.A. 2018 Supp. 17-78-102, and amendments thereto, which division contact shall maintain a copy of the plan of division for a period of six years from the effective date of the division and shall comply with subsection (g)(3).

(5) "Organizational documents" means the articles of organization and operating agreement of a domestic limited liability company.

(6) "Resulting company" means a domestic limited liability company formed as a consequence of a division.

(7) "Surviving company" means a dividing company that survives the division.

(b) Pursuant to a plan of division, any domestic limited liability company may, in the manner provided in this section, be divided into two or more domestic limited liability companies. The division of a domestic limited liability company in accordance with this section and, if applicable, the resulting cessation of the existence of the dividing company pursuant to a certificate of division shall not be deemed to affect the personal liability of any person incurred prior to such division with respect to matters arising prior to such division, nor shall it be deemed to affect the validity or enforceability of any obligations or liabilities of the dividing company incurred prior to such division; except that such obligations and liabilities shall be allocated to and vested in, and valid and enforceable obligations of, such division company or companies to which such obligations and liabilities have been allocated pursuant to the plan of division, as provided in subsection (l). Each resulting company in a division shall be formed in compliance with the requirements of the Kansas revised limited liability company act and subsection (i).

(c) If the operating agreement of the dividing company specifies the manner of adopting a plan of division, the plan of division shall be adopted as specified in the operating agreement. If the operating agreement of the dividing company does not specify the manner of adopting a plan of division and does not prohibit a division of the limited liability company, the plan of division shall be adopted in the same manner as is specified in the operating agreement for authorizing a merger or consolidation that involves the limited liability company as a constituent party to the merger or consolidation. If the operating agreement of the dividing company does not specify the manner of adopting a plan of division or authorizing a merger or consolidation that involves the limited liability company as a constituent party and does not prohibit a division of the limited liability company, the adoption of a plan of division shall be authorized by the consent or approval of members who own more than 50% of the then-current percentage or other interest in the profits of the dividing company owned by all of the members. Notwithstanding prior consent or approval, a plan of division may be terminated or amended pursuant to a provision for such termination or amendment contained in the plan of division.

(d) Unless otherwise provided in a plan of division, the division of a domestic limited liability company pursuant to this section shall not require such limited liability company to wind up its affairs under K.S.A. 17-76,118, and amendments thereto, or pay its liabilities and distribute its assets under K.S.A. 17-76,119, and amendments thereto, and the division shall not constitute a dissolution of such limited liability company.

(e) In connection with a division under this section, rights or securities of, or interests in, the dividing company may be exchanged for or converted into cash, property, rights or securities of, or interests in, the surviving company or any resulting company or, in addition to or in lieu thereof, may be exchanged for or converted into cash, property, rights or securities of, or interests in, an entity as defined in K.S.A. 2018 Supp. 17-78-102, and amendments thereto, that is not a division company, or may be canceled or remain outstanding, if the dividing company is a surviving company.

(f) (1) A plan of division adopted in accordance with subsection (c):

(A) May effect: (i) Any amendment to the operating agreement of the dividing company if it is a surviving company in the division; or (ii) the adoption of a new operating agreement for the dividing company if it is a surviving company in the division; and

(B) shall effect the adoption of a new operating agreement for each resulting company.

(2) Any amendment to an operating agreement or adoption of a new operating agreement for the dividing company, if it is a surviving company in the division, or adoption of a new operating agreement for each resulting company made pursuant to this subsection shall be effective at the effective time or date of the division. Any amendment to an operating agreement or adoption of an operating agreement for the dividing company, if it is a surviving company in the division, shall be effective notwithstanding any provision in the operating agreement of the dividing company relating to amendment or adoption of a new operating agreement, other than a provision that by its terms applies to an amendment to the operating agreement or the adoption of a new operating agreement, in either case, in connection with a division, merger or consolidation.

(g) If a domestic limited liability company is dividing under this section, the dividing company shall adopt a plan of division that shall set forth:

(1) The terms and conditions of the division, including:

(A) Any conversion or exchange of the limited liability company interests of the dividing company into or for limited liability company interests or other securities or obligations of any division company or cash, property, or rights or securities or obligations of or interests in an entity as defined in K.S.A. 2018 Supp. 17-78-102, and amendments thereto, that is not a division company, or that the limited liability company interests of the dividing company shall remain outstanding or be canceled, or any combination of the foregoing; and

(B) the allocation of assets, property, rights, series, debts, liabilities, and duties of the dividing company among the division companies;

(2) the name of each resulting company and, if the dividing company will survive the division, the name of the surviving company;

(3) the name and business address of a division contact, which shall have custody of a copy of the plan of division. The division contact, or any successor division contact, shall serve for a period of six years following the effective date of the division.

During such six-year period, the division contact shall provide, without cost, to any creditor of the dividing company, within 30 days following the division contact's receipt of a written request from any creditor of the dividing company, the name and business address of the division company to which the claim of such creditor was allocated pursuant to the plan of division; and

(4) any other matters that the dividing company determines to include therein.

(h) If a domestic limited liability company divides under this section, the surviving company, if any, or any other division company shall file a certificate of division executed by one or more authorized persons on behalf of such division company in the office of the secretary of state in accordance with K.S.A. 2018 Supp. 17-7910, and amendments thereto, and articles of organization that comply with K.S.A. 17-7673, and amendments thereto, for each resulting company executed by one or more authorized persons in accordance with K.S.A. 2018 Supp. 17-7908(b), and amendments thereto. The certificate of division shall state:

(1) The name of the dividing company and, if it has been changed, the name under which its articles of organization were originally filed and whether the dividing company is a surviving company;

(2) the name of each division company;

(3) the name and business address of the division contact required by subsection (g);

(4) the future effective date or time, which shall be a date or time certain, of the division if it is not to be effective upon the filing of the certificate of division;

(5) that the division has been consented to or approved in accordance with this section;

(6) that the plan of division is on file at a place of business of such division company as is specified therein, and shall state the address thereof; and

(7) that a copy of the plan of division will be furnished by such division company as is specified therein, on request and without cost, to any member of the dividing company.

(i) The certificate of division and each articles of organization for each resulting company required by subsection (h) shall be filed simultaneously in the office of the secretary of state and, if such certificate and articles of organization are not to become effective upon their filing, then each such certificate shall provide for the same effective date or time in accordance with K.S.A. 2018 Supp. 17-7911, and amendments thereto. Concurrently with the effective date or time of a division, the operating agreement of each resulting company shall become effective.

(j) A certificate of division shall act as a certificate of cancellation for a dividing company that is not a surviving company.

(k) An operating agreement may provide that a domestic limited liability company shall not have the power to divide as set forth in this section.

(l) Upon the division of a domestic limited liability company becoming effective:

(1) The dividing company shall be subdivided into the distinct and independent resulting companies named in the plan of division, and, if the dividing company is not a surviving company, the existence of the dividing company shall cease.

(2) For all purposes of the laws of the state of Kansas, all of the rights, privileges and powers, and all the property, real, personal, and mixed, of the dividing company and all debts due on whatever account to it, as well as all other things and other causes

of action belonging to it, shall without further action be allocated to and vested in the applicable division company in such a manner and basis and with such effect as is specified in the plan of division, and the title to any real property or interest therein allocated to and vested in any division company shall not revert or be in any way impaired by reason of the division.

(3) Each division company shall, from and after effectiveness of the certificate of division, be liable as a separate and distinct domestic limited liability company for such debts, liabilities and duties of the dividing company as are allocated to such division company pursuant to the plan of division in the manner and on the basis provided in subsection (g)(1)(B).

(4) Each of the debts, liabilities and duties of the dividing company shall without further action be allocated to and be the debts, liabilities and duties of such division company as is specified in the plan of division as having such debts, liabilities and duties allocated to it, in such a manner and basis and with such effect as is specified in the plan of division, and no other division company shall be liable therefor, so long as the plan of division does not constitute a fraudulent transfer under applicable law, and all liens upon any property of the dividing company shall be preserved unimpaired, and all debts, liabilities and duties of the dividing company shall remain attached to the division company to which such debts, liabilities and duties have been allocated in the plan of division, and may be enforced against such division company to the same extent as if such debts, liabilities and duties had originally been incurred or contracted by it in its capacity as a domestic limited liability company.

(5) In the event that any allocation of assets, debts, liabilities and duties to division companies in accordance with a plan of division is determined by a court of competent jurisdiction to constitute a fraudulent transfer, each division company shall be jointly and severally liable on account of such fraudulent transfer notwithstanding the allocations made in the plan of division, except that the validity and effectiveness of the division are not otherwise affected thereby.

(6) Debts and liabilities of the dividing company that are not allocated by the plan of division shall be the joint and several debts and liabilities of all of the division companies.

(7) It shall not be necessary for a plan of division to list each individual asset, property, right, series, debt, liability or duty of the dividing company to be allocated to a division company so long as the assets, property, rights, series, debts, liabilities or duties so allocated are reasonably identified by any method where the identity of such assets, property, rights, series, debts, liabilities or duties is objectively determinable.

(8) The rights, privileges, powers, and interests in property of the dividing company that have been allocated to a division company, as well as the debts, liabilities and duties of the dividing company that have been allocated to such division company pursuant to a plan of division, shall remain vested in each such division company and shall not be deemed, as a result of the division, to have been assigned or transferred to such division company for any purpose of the laws of the state of Kansas.

(9) Any action or proceeding pending against a dividing company may be continued against the surviving company as if the division did not occur and against any resulting company to which the asset, property, right, series, debt, liability or duty associated with such action or proceeding was allocated pursuant to the plan of division by adding or substituting such resulting company as a party in the action or proceeding.

(m) In applying the provisions of the Kansas revised limited liability company act on distributions, a direct or indirect allocation of property or liabilities in a division is not deemed a distribution.

(n) The provisions of this section shall not be construed to limit the means of accomplishing a division by any other means provided for in an operating agreement or other agreement or as otherwise permitted by the Kansas revised limited liability company act or as otherwise permitted by law.

(o) All limited liability companies formed on and after July 1, 2019, shall be governed by this section. All limited liability companies formed prior to July 1, 2019, shall be governed by this section, except that if the dividing company is a party to any written contract, indenture or other agreement entered into prior to July 1, 2019, that, by its terms, restricts, conditions or prohibits the consummation of a merger or consolidation by the dividing company with or into another party, or the transfer of assets by the dividing company to another party, then such restriction, condition or prohibition shall be deemed to apply to a division as if it were a merger, consolidation or transfer of assets, as applicable.

New Sec. 3. (a) Pursuant to an agreement of merger or consolidation, one or more series may merge or consolidate with or into one or more other series of the same limited liability company with such series as the agreement shall provide being the surviving or resulting series. Unless otherwise provided in the operating agreement, an agreement of merger or consolidation shall be consented to or approved by each series that is to merge or consolidate by members of such series who own more than 50% of the then-current percentage or other interest in the profits of such series owned by all of the members of such series. In connection with a merger or consolidation hereunder, rights or securities of, or interests in, a series which is a constituent party to the merger or consolidation may be exchanged for or converted into cash, property, rights, or securities of, or interests in, the surviving or resulting series or, in addition to or in lieu thereof, may be exchanged for or converted into cash, property, rights, or securities of, or interests in, an entity as defined in K.S.A. 2018 Supp. 17-78-102, and amendments thereto, that is not the surviving or resulting series in the merger or consolidation, may remain outstanding or may be canceled. Notwithstanding prior consent or approval, an agreement of merger or consolidation may be terminated or amended pursuant to a provision for such termination or amendment contained in the agreement of merger or consolidation.

(b) If a series is merging or consolidating under this section, the series surviving or resulting in or from the merger or consolidation shall file a certificate of merger or consolidation executed by one or more authorized persons on behalf of the series when it is the surviving or resulting series in the office of the secretary of state. The certificate of merger or consolidation shall state:

- (1) The name of each series that is to merge or consolidate and the name of the limited liability company that formed such series;
- (2) that an agreement of merger or consolidation has been consented to or approved and executed by or on behalf of each series that is to merge or consolidate;
- (3) the name of the surviving or resulting series;
- (4) such amendment, if any, to the certificate of designation of the series that is the surviving or resulting series to change the name of the surviving series, as is desired to be effected by the merger;

(5) the future effective date or time, which shall be a date or time certain, of the merger or consolidation if it is not to be effective upon the filing of the certificate of merger or consolidation;

(6) that the agreement of merger or consolidation is on file at a place of business of the surviving or resulting series or the limited liability company that formed such series and shall state the address thereof; and

(7) that a copy of the agreement of merger or consolidation will be furnished by the surviving or resulting series, upon request and without cost, to any member of any series that is to merge or consolidate.

(c) Unless a future effective date or time is provided in a certificate of merger or consolidation, a merger or consolidation pursuant to this section shall be effective upon the filing of a certificate of merger or consolidation in the office of the secretary of state.

(d) A certificate of merger or consolidation shall act as a certificate of cancellation of the certificate of designation of the series that is not the surviving or resulting series in the merger or consolidation. A certificate of merger or consolidation that sets forth any amendment in accordance with subsection (b)(4) shall be deemed to be an amendment to the certificate of designation of the surviving or resulting series, and no further action shall be required to amend the certificate of designation of the surviving or resulting series under K.S.A. 2018 Supp. 17-76,143, and amendments thereto, with respect to such amendments set forth in the certificate of merger or consolidation. Whenever this section requires the filing of a certificate of merger or consolidation, such requirement shall be deemed satisfied by the filing of an agreement of merger or consolidation containing the information required by this section to be set forth in the certificate of merger or consolidation.

(e) An agreement of merger or consolidation consented to or approved in accordance with subsection (a) may effect any amendment to the operating agreement relating solely to the series that are constituent parties to the merger or consolidation. Any amendment to an operating agreement relating solely to the series that are constituent parties to the merger or consolidation made pursuant to the foregoing sentence shall be effective at the effective time or date of the merger or consolidation and shall be effective notwithstanding any provision of the operating agreement relating to amendment of the operating agreement, other than a provision that by its terms applies to an amendment to the operating agreement in connection with a merger or consolidation. The provisions of this subsection shall not be construed to limit the accomplishment of a merger or of any of the matters referred to herein by any other means provided for in an operating agreement or other agreement or as otherwise permitted by law, including that the operating agreement relating to any constituent series to the merger or consolidation, including a series formed for the purpose of consummating a merger or consolidation, shall be the operating agreement of the surviving or resulting series.

(f) (1) (A) When any merger or consolidation shall have become effective under this section, for all purposes of the laws of the state of Kansas, all of the rights, privileges and powers of each of the series that have merged or consolidated, and all property, real, personal and mixed, and all debts due to any of such series, as well as all other things and causes of action belonging to each of such series, shall be vested in the surviving or resulting series, and shall thereafter be the property of the surviving or

resulting series as they were of each of the series that have merged or consolidated, and the title to any real property vested by deed or otherwise, under the laws of the state of Kansas, in any of such series, shall not revert or be in any way impaired by reason of the Kansas revised limited liability company act.

(B) All rights of creditors and all liens upon any property of any of the series that have merged or consolidated shall be preserved unimpaired, and all debts, liabilities and duties of each of such series that have merged or consolidated shall thereafter attach to the surviving or resulting series, and may be enforced against it to the same extent as if such debts, liabilities and duties had been incurred or contracted by it.

(2) Unless otherwise agreed, a merger or consolidation of a series that is not the surviving or resulting series in the merger or consolidation, shall not require such series to wind up its affairs under K.S.A. 2018 Supp. 17-76,143, and amendments thereto, or pay its liabilities and distribute its assets under K.S.A. 2018 Supp. 17-76,143, and amendments thereto, and the merger or consolidation shall not constitute a dissolution of such series.

(g) An operating agreement may provide that a series of such limited liability company shall not have the power to merge or consolidate as set forth in this section.

(h) This section shall take effect on and after July 1, 2020.

New Sec. 4. (a) A series whose certificate of designation has been canceled pursuant to K.S.A. 17-76,139, and amendments thereto, may be reinstated by filing in the office of the secretary of state a certificate of reinstatement accompanied by the payment of the fee required by K.S.A. 17-76,136(d), and amendments thereto, and payment of the annual report fee due under K.S.A. 17-76,139(c), and amendments thereto, and all penalties and interest thereon due at the time of the cancellation of its certificate of designation. The certificate of reinstatement shall set forth:

(1) The name of the limited liability company at the time the certificate of designation was canceled and, if such name has changed, the name of the limited liability company at the time of reinstatement of the series;

(2) the name of the series at the time the certificate of designation was canceled and, if such name is not available at the time of reinstatement, the name under which the series is to be reinstated;

(3) a statement that the certificate of reinstatement is filed by one or more persons authorized to execute and file the certificate of reinstatement to reinstate the series; and

(4) any other matters the persons executing the certificate of reinstatement determine to include therein.

(b) The certificate of reinstatement shall be deemed to be an amendment to the certificate of designation, and no further actions shall be required to amend its certificate of designation under K.S.A. 2018 Supp. 17-76,143(d)(3), and amendments thereto, with respect to the matters set forth in the certificate of reinstatement.

(c) Upon the filing of a certificate of reinstatement, a series shall be reinstated with the same force and effect as if its certificate of designation had not been canceled pursuant to K.S.A. 17-76,139, and amendments thereto. Such reinstatement shall validate all contracts, acts, matters and things made, done and performed by the series, its members, managers, employees and agents during the time when its certificate of designation was canceled pursuant to K.S.A. 17-76,139, and amendments thereto, with the same force and effect and to all intents and purposes as if the certificate of designation had remained in full force and effect. All real and personal property, and all

rights and interests, that belonged to the series at the time its certificate of designation was canceled pursuant to K.S.A. 17-76,139, and amendments thereto, or were acquired by the series following the cancellation of its certificate of designation pursuant to K.S.A. 17-76,139, and amendments thereto, and were not disposed of prior to the time of its reinstatement, shall be vested in the series after its reinstatement as fully as they were held by the series at, and after, as the case may be, the time its certificate of designation was canceled pursuant to K.S.A. 17-76,139, and amendments thereto. After its reinstatement, the series shall be as exclusively liable for all contracts, acts, matters and things made, done or performed in its name and on its behalf by its members, managers, employees and agents prior to its reinstatement as if its certificate of designation had at all times remained in full force and effect.

(d) This section shall take effect on and after July 1, 2020.

New Sec. 5. Sections 5 through 12, and amendments thereto, apply to all statutory public benefit limited liability companies, as defined in section 6, and amendments thereto. If a limited liability company elects to become a statutory public benefit limited liability company under sections 5 through 12, and amendments thereto, in the manner prescribed in sections 5 through 12, and amendments thereto, it shall be subject in all respects to the provisions of the Kansas revised limited liability company act, except to the extent sections 5 through 12, and amendments thereto, impose additional or different requirements, such requirements shall apply and notwithstanding K.S.A. 17-76,134, and amendments thereto, or any other provision of the Kansas revised limited liability company act, such requirements imposed by sections 5 through 12, and amendments thereto, may not be altered in the operating agreement.

New Sec. 6. (a) A "statutory public benefit limited liability company" is a for-profit limited liability company formed under and subject to the requirements of the Kansas revised limited liability company act that is intended to produce a public benefit or public benefits and to operate in a responsible and sustainable manner. To that end, a statutory public benefit limited liability company shall be managed in a manner that balances the members' pecuniary interests, the best interests of those materially affected by the limited liability company's conduct, and the public benefit or public benefits set forth in its articles of organization. A statutory public benefit limited liability company shall state in the heading of its articles of organization that it is a statutory public benefit limited liability company, and shall set forth one or more specific public benefits to be promoted by the limited liability company in its articles of organization. The operating agreement of a statutory public benefit limited liability company may not contain any provision inconsistent with sections 5 through 12, and amendments thereto.

(b) "Public benefit" means a positive effect, or reduction of negative effects, on one or more categories of persons, entities, communities or interests, other than members in their capacities as members, including, but not limited to, effects of an artistic, charitable, cultural, economic, educational, environmental, literary, medical, religious, scientific or technological nature. "Public benefit provisions" means the provisions of the articles of organization, an operating agreement, or both, in either case as contemplated by sections 5 through 12, and amendments thereto.

(c) If the name of a statutory public benefit limited liability company does not contain the term "statutory public benefit limited liability company," or the abbreviation "S.P.B.L.L.C.," or the designation "SPBLLC," or words or abbreviations of like import in other languages if they are written in Roman characters or letters, the statutory public

benefit limited liability company shall, prior to issuing any limited liability company interest, provide notice to any person to whom such limited liability company interest is issued that it is a statutory public benefit limited liability company. Such notice need not be provided if the issuance is pursuant to an offering registered under the securities act of 1933, 15 U.S.C. § 77r et seq., or if, at the time of issuance, the statutory public benefit limited liability company has a class of securities that is registered under the securities exchange act of 1934, 15 U.S.C. § 78a et seq.

New Sec. 7. Notwithstanding any other provision of the Kansas revised limited liability company act and unless otherwise provided in the operating agreement, a statutory public benefit limited liability company may not, without the vote, consent or approval of members who own at least $\frac{2}{3}$ of the then-current percentage or other interest in the profits of the limited liability company owned by all members:

(a) Amend its articles of organization to delete or amend a provision required by section 6(a), and amendments thereto;

(b) merge or consolidate with or into another entity or divide into two or more domestic limited liability companies if, as a result of such merger, consolidation or division, the limited liability company interests in such limited liability company would become, or be converted into or exchanged for the right to receive, limited liability company interests or other equity interests in a domestic or foreign limited liability company or other entity that is not a statutory public benefit limited liability company or similar entity, the articles of organization or operating agreement, or similar governing document, of which does not contain provisions identifying a public benefit or public benefits comparable in all material respects to those set forth in the articles of organization of such limited liability company as contemplated by section 6(a), and amendments thereto, or that does not contain provisions imposing requirements pursuant to section 9, and amendments thereto, that are comparable in all material respects to those set forth in the articles of organization of such limited liability company; or

(c) cease to be a statutory public benefit limited liability company under the provisions of sections 5 through 12, and amendments thereto.

New Sec. 8. (a) The members, managers or other persons with authority to manage or direct the business and affairs of a statutory public benefit limited liability company shall manage or direct the business and affairs of the statutory public benefit limited liability company in a manner that balances the pecuniary interests of the members, the best interests of those materially affected by the limited liability company's conduct, and the specific public benefit or public benefits set forth in its articles of organization. Unless otherwise provided in an operating agreement, a member, manager or other person with authority to manage or direct the business and affairs of the statutory public benefit limited liability company shall not have any liability for monetary damages for the failure to manage or direct the business and affairs of the statutory public benefit limited liability company as provided in this subsection.

(b) A member, manager or other person with authority to manage or direct the business and affairs of the statutory public benefit limited liability company shall not, by virtue of the public benefit provisions or section 6(a), and amendments thereto, have any duty to any person on account of any interest of such person in the public benefit or public benefits set forth in its articles of organization or on account of any interest materially affected by the limited liability company's conduct and, with respect to a

decision implicating the balance requirement in subsection (a), will be deemed to satisfy such person's fiduciary duties to members and the limited liability company if such person's decision is both informed and disinterested and not such that no person of ordinary, sound judgment would approve.

New Sec. 9. (a) A statutory public benefit limited liability company, at least annually, shall provide its members with a statement as to the limited liability company's promotion of the public benefit or public benefits set forth in its articles of organization and as to the best interests of those materially affected by the limited liability company's conduct. The statement shall include:

(1) The objectives that have been established to promote such public benefit or public benefits and interests;

(2) the standards that have been adopted to measure the limited liability company's progress in promoting such public benefit or public benefits and interests;

(3) objective factual information based on those standards regarding the limited liability company's success in meeting the objectives for promoting such public benefit or public benefits and interests; and

(4) an assessment of the limited liability company's success in meeting the objectives and promoting such public benefit or public benefits and interests.

(b) A statutory public benefit limited liability company shall provide the statement in subsection (a) to its members at the time prescribed by K.S.A. 17-76,139, and amendments thereto, for the filing of the statutory public benefit limited liability company's annual report.

(c) The statement described in subsection (a) shall be based on a third-party standard. A "third-party standard" means a standard for defining, reporting and assessing promotion of the public benefit or public benefits identified in the statutory public benefit limited liability company's articles of organization that: (1) Is developed by a person or entity that is independent of the statutory public benefit limited liability company; and (2) is transparent because the following information about the standard is publicly available: (A) The factors considered when measuring the performance of a business; (B) the relative weightings of those factors; and (C) the identity of the persons who developed the standard and who control changes to the standard and the process by which those changes are made. For purposes of this section, the term "independent" means having no material relationship with the statutory public benefit limited liability company or any of its members, managers, affiliates or other persons with authority to manage or direct the business and affairs of the statutory public benefit limited liability company.

(d) A statutory public benefit limited liability company shall post its most recent statement described in subsection (a) on the public portion of its website, if any, concurrently with the delivery of such statement to its members under subsection (b). If a statutory public benefit limited liability company does not have a website, it shall provide a copy of such statement, without charge, to any person that requests a copy. Any compensation paid to any person and any other financial or proprietary information contained in the statement described in subsection (a) may be omitted from any statement that is publicly posted or provided to any person pursuant to this subsection, other than a statement provided to a member, manager or other person with authority to manage or direct the business and affairs of the statutory public benefit limited liability company.

(e) The articles of organization or the operating agreement of a statutory public benefit limited liability company may require that the statutory public benefit limited liability company obtain a periodic third-party certification addressing the statutory public benefit limited liability company's promotion of the public benefit or public benefits identified in the articles of organization or the best interests of those materially affected by the statutory public benefit limited liability company's conduct, or both.

New Sec. 10. Members of a statutory public benefit limited liability company or assignees of limited liability company interests in a statutory public benefit limited liability company owning individually or collectively, as of the date of instituting such derivative suit, at least 2% of the then-current percentage or other interest in the profits of the limited liability company or, in the case of a limited liability company with limited liability company interests listed on a national securities exchange, the lesser of such percentage or limited liability company interests of at least \$2,000,000 in market value, unless an operating agreement provides for a different percentage or other interest or market value, may maintain a derivative lawsuit to enforce the requirements set forth in section 8(a), and amendments thereto.

New Sec. 11. Sections 5 through 12, and amendments thereto, shall not affect a statute or rule of law that is or would be applicable to any limited liability company that is formed under the Kansas revised limited liability company act but is not a statutory public benefit limited liability company.

New Sec. 12. The provisions of sections 5 through 12, and amendments thereto, shall not be construed to limit the accomplishment by any other means permitted by law of the formation or operation of a limited liability company that is formed or operated for a public benefit, including a limited liability company that is designated as a public benefit limited liability company, that is not a statutory public benefit limited liability company.

Sec. 13. K.S.A. 2018 Supp. 17-7662 is hereby amended to read as follows: 17-7662. K.S.A. 17-7662 through ~~17-76,143~~ 17-76,142, and amendments thereto, and K.S.A. 2018 Supp. ~~17-76,144~~ 17-76,143 through 17-76,146, and sections 1 through 12, and amendments thereto, shall be known and may be cited as the Kansas revised limited liability company act.

Sec. 14. K.S.A. 2018 Supp. 17-7663 is hereby amended to read as follows: 17-7663. As used in ~~this~~ the Kansas revised limited liability company act unless the context otherwise requires:

(a) "Articles of organization" means the articles of organization referred to in K.S.A. 17-7673, and amendments thereto, and the articles of organization as amended.

(b) "Bankruptcy" means an event that causes a person to cease to be a member as provided in K.S.A. 17-7689, and amendments thereto.

(c) "Contribution" means any cash, property, services rendered or a promissory note or other obligation to contribute cash or property or to perform services, which a person contributes to a limited liability company in such person's capacity as a member.

(d) "Foreign limited liability company" means a limited liability company formed under the laws of any state or under the laws of any foreign country or other foreign jurisdiction ~~and denominated as such under the laws of such state or foreign country or other foreign jurisdiction~~. When used in the Kansas revised limited liability company act in reference to a foreign limited liability company, the terms "operating agreement," "limited liability company interest," "manager" or "member" shall mean an operating

agreement, limited liability company interest, manager or member, respectively, under the laws of the state or foreign country or other foreign jurisdiction under which the foreign limited liability company is formed.

(e) "Knowledge" means a person's actual knowledge of a fact, rather than the person's constructive knowledge of the fact.

(f) "Limited liability company" and "domestic limited liability company" means a limited liability company formed under the laws of the state of Kansas and having one or more members.

(g) "Limited liability company interest" means a member's share of the profits and losses of a limited liability company and a member's right to receive distributions of the limited liability company's assets.

(h) "Liquidating trustee" means a person carrying out the winding up of a limited liability company.

(i) "Manager" means a person who is named as a manager of a limited liability company in, or designated as a manager of a limited liability company pursuant to, an operating agreement or similar instrument under which the limited liability company is formed.

(j) "Member" means a person who is admitted to a limited liability company as a member as provided in K.S.A. 17-7686, and amendments thereto, ~~or, in the case of a foreign limited liability company, in accordance with the laws of the state or foreign country or other foreign jurisdiction under which the foreign limited liability company is formed.~~

(k) "Operating agreement" means any agreement, whether referred to as an operating agreement, limited liability company agreement or otherwise, written, oral, or implied, of the member or members as to the affairs of a limited liability company and the conduct of its business. A member or manager of a limited liability company or an assignee of a limited liability company interest is bound by the operating agreement whether or not the member or manager or assignee executes the operating agreement. A limited liability company is not required to execute its operating agreement. A limited liability company is bound by its operating agreement whether or not the limited liability company executes the operating agreement. An operating agreement of a limited liability company having only one member shall not be unenforceable by reason of there being only one person who is a party to the operating agreement. An operating agreement is not subject to any statute of frauds, including K.S.A. 33-106, and amendments thereto. An operating agreement may provide rights to any person, including a person who is not a party to the operating agreement, to the extent set forth therein. A written operating agreement or another written agreement or writing:

(1) May provide that a person shall be admitted as a member of a limited liability company, or shall become an assignee of a limited liability company interest or other rights or powers of a member to the extent assigned:

(A) If such person, or a representative authorized by such person orally, in writing or by other action such as payment for a limited liability company interest, executes the operating agreement or any other writing evidencing the intent of such person to become a member or assignee; or

(B) without such execution, if such person, or a representative authorized by such person orally, in writing or by other action such as payment for a limited liability company interest, complies with the conditions for becoming a member or assignee as

set forth in the operating agreement or any other writing; and

(2) shall not be unenforceable by reason of its not having been signed by a person being admitted as a member or becoming an assignee as provided in subsection (k)(1), or by reason of its having been signed by a representative as provided in ~~this the Kansas revised limited liability company act.~~

(l) "Person" means a natural person, partnership, whether general or limited, limited liability company, trust, including a common law trust, business trust, statutory trust, voting trust or any other form of trust, estate, association, including any group, organization, co-tenancy, plan, board, council or committee, corporation, government, including a country, state, county or any other governmental subdivision, agency or instrumentality, custodian, nominee or any other individual or entity, or series thereof, in its own or any representative capacity, in each case, whether domestic or foreign.

(m) "Personal representative" means, as to a natural person, the executor, administrator, guardian, conservator or other legal representative thereof and, as to a person other than a natural person, the legal representative or successor thereof.

(n) "Series" means a designated series of members, managers, limited liability company interests or assets that is established in accordance with K.S.A. 2018 Supp. 17-76,143, and amendments thereto.

(o) "State" means the District of Columbia or the commonwealth of Puerto Rico or any state, territory, possession or other jurisdiction of the United States other than the state of Kansas.

Sec. 15. K.S.A. 2018 Supp. 17-7673 is hereby amended to read as follows: 17-7673. (a) In order to form a limited liability company, one or more authorized persons must execute articles of organization. The articles of organization shall be filed with the secretary of state and set forth:

(1) The name of the limited liability company;

(2) the address of the registered office required to be maintained by K.S.A. 2018 Supp. 17-7924, and amendments thereto, and the name of the resident agent for service of process required to be maintained by K.S.A. 2018 Supp. 17-7925, and amendments thereto;

(3) any other matters the members determine to include therein;

(4) if the limited liability company is organized to exercise the powers of a professional association or professional corporation, each such profession shall be stated; and

(5) if the limited liability company will have series, the matters required by K.S.A. 17-76,143, and amendments thereto.

(b) A limited liability company is formed at the time provided in K.S.A. 2018 Supp. 17-7911, and amendments thereto, if there has been substantial compliance with the requirements of this section. A limited liability company formed under ~~this the Kansas revised limited liability company act~~ shall be a separate legal entity, the existence of which as a separate legal entity shall continue until cancellation of the limited liability company's articles of organization.

(c) An operating agreement shall be entered into or otherwise existing either before, after or at the time of the filing of the articles of organization and, whether entered into or otherwise existing before, after or at the time of such filing, may be made effective as of the effective time of such filing or at such other time or date as provided in or reflected by the operating agreement.

(d) The articles of organization shall be amended as provided in a certificate of amendment or judicial decree of amendment upon the filing of the certificate of amendment or judicial decree of amendment with the secretary of state or upon the future effective date specified in the certificate of amendment.

(e) Upon filing the articles of organization of a limited liability company organized to exercise powers of a professional association or professional corporation, the limited liability company shall file with the secretary of state a certificate by the licensing body, as defined in K.S.A. 74-146, and amendments thereto, of the profession involved that each of the members is duly licensed to practice that profession, and that the proposed company name has been approved.

Sec. 16. K.S.A. 2018 Supp. 17-7675 is hereby amended to read as follows: 17-7675. (a) Articles of organization shall be canceled upon the dissolution and the completion of winding up of a limited liability company, or as provided in K.S.A. 17-76,117 or 17-76,139 or K.S.A. 2018 Supp. 17-7926(b) or 17-7929(b), and amendments thereto, or upon the filing of a certificate of merger or consolidation if the limited liability company is not the surviving or resulting entity in a merger or consolidation, or upon the future effective date of a certificate of merger or consolidation if the limited liability company is not the surviving or resulting entity in a merger or consolidation, or upon the filing of a certificate of division if the limited liability company is a dividing company that is not a surviving company, or upon the future effective date of a certificate of division if the limited liability company is a dividing company that is not a surviving company. A certificate of cancellation shall be filed with the secretary of state to accomplish the cancellation of articles of organization upon the dissolution and the completion of winding up of a limited liability company. The certificate shall set forth:

- (1) The name of the limited liability company;
- (2) the reason for filing the certificate of cancellation;
- (3) the future effective date or time, ~~which shall be a date or time certain not later than 90 days after the date of filing,~~ of cancellation if it is not to be effective upon the filing of the certificate; and
- (4) any other information the person filing the certificate of cancellation determines.

(b) A certificate of cancellation that is filed with the secretary of state prior to the dissolution or the completion of winding up of a limited liability company may be corrected as an erroneously executed certificate of cancellation by filing with the secretary of state a certificate of correction of such certificate of cancellation in accordance with K.S.A. 2018 Supp. 17-7912, and amendments thereto.

(c) The secretary of state shall not issue a certificate of good standing with respect to a limited liability company if its articles of organization are canceled.

Sec. 17. On and after July 1, 2020, K.S.A. 2018 Supp. 17-7675, as amended by section 16 of this act, is hereby amended to read as follows: 17-7675. (a) Articles of organization shall be canceled upon the dissolution and the completion of winding up of a limited liability company, or as provided in K.S.A. 17-76,117 or 17-76,139 or K.S.A. 2018 Supp. 17-7926(b) or 17-7929(b), and amendments thereto, or upon the filing of a certificate of merger or consolidation if the limited liability company is not the surviving or resulting entity in a merger or consolidation or upon the future effective date of a certificate of merger or consolidation if the limited liability company is not the surviving or resulting entity in a merger or consolidation or upon the filing of a

certificate of division if the limited liability company is a dividing company that is not a surviving company or upon the future effective date of a certificate of division if the limited liability company is a dividing company that is not a surviving company. A certificate of cancellation shall be filed with the secretary of state to accomplish the cancellation of articles of organization upon the dissolution and the completion of winding up of a limited liability company. The certificate shall set forth:

- (1) The name of the limited liability company;
- (2) the reason for filing the certificate of cancellation;
- (3) if the limited liability company has formed one or more series whose certificate of designation has not been canceled prior to the filing of the certificate of cancellation, the name of each such series;
- (4) the future effective date or time of cancellation if it is not to be effective upon the filing of the certificate; and
- (4)(5) any other information the person filing the certificate of cancellation determines.

(b) A certificate of cancellation that is filed with the secretary of state prior to the dissolution or the completion of winding up of a limited liability company may be corrected as an erroneously executed certificate of cancellation by filing with the secretary of state a certificate of correction of such certificate of cancellation in accordance with K.S.A. 2018 Supp. 17-7912, and amendments thereto.

(c) The secretary of state shall not issue a certificate of good standing with respect to a limited liability company, or any series thereof, if its articles of organization are canceled.

Sec. 18. K.S.A. 2018 Supp. 17-7679 is hereby amended to read as follows: 17-7679. The fact that articles of organization, or amendments thereto, are on file with the secretary of state is notice that the entity formed in connection with the filing of the articles of organization is a limited liability company formed under the laws of the state of Kansas and is notice of all other facts set forth therein which are required to be set forth in articles of organization by ~~subsections (a)(1), (a)(2), (a)(4) and (a)(5) of K.S.A. 17-7673(a)(1), (a)(2), (a)(4) and (a)(5), and amendments thereto, and section 6, and amendments thereto.~~

Sec. 19. On and after July 1, 2020, K.S.A. 2018 Supp. 17-7679, as amended by section 18 of this act, is hereby amended to read as follows: 17-7679. The fact that articles of organization, or amendments thereto, are on file with the secretary of state is notice that the entity formed in connection with the filing of the articles of organization is a limited liability company formed under the laws of the state of Kansas and is notice of all other facts set forth therein which are required to be set forth in articles of organization by K.S.A. 17-7673(a)(1), (a)(2), (a)(4) and (a)(5), and amendments thereto, and K.S.A. 2018 Supp. 17-76,143(b) and section 6, and amendments thereto. The fact that a certificate of designation is on file in the office of the secretary of state is notice that the series named in such certificate of designation has been formed pursuant to K.S.A. 2018 Supp. 17-76,143, and amendments thereto, and is notice of all other facts set forth therein, which are required to be set forth in a certificate of designation by K.S.A. 2018 Supp. 17-76,143(d), and amendments thereto.

Sec. 20. K.S.A. 2018 Supp. 17-7680 is hereby amended to read as follows: 17-7680. (a) A limited liability company may, whenever desired, integrate into a single instrument all of the provisions of its articles of organization which are then in effect

and operative as a result of there having previously been filed with the secretary of state one or more certificates or other instruments pursuant to K.S.A. 17-7673 through 17-7683, and amendments thereto, ~~and the business entity standard treatment act, K.S.A. 2018 Supp. 17-7901 et seq., and amendments thereto, and section 2, and amendments thereto.~~ and it may at the same time also further amend its articles of organization by adopting restated articles of organization.

(b) If restated articles of organization merely restate and integrate but do not further amend the initial articles of organization, as previously amended or supplemented by any certificate or instrument that was executed and filed pursuant to K.S.A. 17-7673 through 17-7683, and amendments thereto, and the business entity standard treatment act, K.S.A. 2018 Supp. 17-7901 et seq., and amendments thereto, they shall be specifically designated in their heading as "restated articles of organization" together with such other words as the limited liability company may deem appropriate and shall be executed by an authorized person and filed with the secretary of state as provided in K.S.A. 2018 Supp. 17-7910, and amendments thereto. If restated articles of organization restate and integrate and also further amend in any respect the articles of organization, as previously amended or supplemented, they shall be specifically designated in their heading as "amended and restated articles of organization" together with such other words as the limited liability company may deem appropriate and shall be executed by at least one authorized person and filed as provided in K.S.A. 2018 Supp. 17-7910, and amendments thereto.

(c) Restated articles of organization shall state, either in their heading or in an introductory paragraph, the limited liability company's present name; if it has been changed, the name under which it was originally filed; the date of filing of its original articles of organization with the secretary of state; and the future effective date, which shall be a date certain, of the restated articles of organization if they are not to be effective upon the filing of the restated articles of organization with the secretary of state, ~~such future effective date must be within 90 days of the date of filing such restated articles of organization with the secretary of state.~~ Restated articles of organization shall also state that they were duly executed and are being filed in accordance with this section. If restated articles of organization only restate and integrate and do not further amend a limited liability company's articles of organization as previously amended or supplemented and there is no discrepancy between those provisions and the restated articles of organization, they shall state that fact as well.

(d) Upon the filing of restated articles of organization with the secretary of state, or upon the future effective date of restated articles of organization as provided for therein, the initial articles of organization, as previously amended or supplemented, shall be superseded. Thereafter the restated articles of organization, including any further amendment or changes made thereby, shall be the articles of organization of the limited liability company, but the original effective date of formation shall remain unchanged.

(e) Any amendment or change effected in connection with the restatement and integration of the articles of organization shall be subject to any other provision of ~~this~~ the Kansas revised limited liability company act, not inconsistent with this section, which would apply if a separate certificate of amendment were filed to effect such amendment or change.

Sec. 21. On and after July 1, 2020, K.S.A. 2018 Supp. 17-7680, as amended by section 20 of this act, is hereby amended to read as follows: 17-7680. (a) Restated

articles of organization.

(1) A limited liability company may, whenever desired, integrate into a single instrument all of the provisions of its articles of organization which are then in effect and operative as a result of there having previously been filed with the secretary of state one or more certificates or other instruments pursuant to K.S.A. 17-7673 through 17-7683, and amendments thereto, and the business entity standard treatment act, K.S.A. 2018 Supp. 17-7901 et seq., and amendments thereto, and ~~section~~ sections 2 and 3, and amendments thereto, and it may at the same time also further amend its articles of organization by adopting restated articles of organization.

~~(b)~~(2) If restated articles of organization merely restate and integrate but do not further amend the initial articles of organization, as previously amended or supplemented by any certificate or instrument that was executed and filed pursuant to K.S.A. 17-7673 through 17-7683, and amendments thereto, and the business entity standard treatment act, K.S.A. 2018 Supp. 17-7901 et seq., and amendments thereto, they shall be specifically designated in their heading as "restated articles of organization" together with such other words as the limited liability company may deem appropriate and shall be executed by an authorized person and filed with the secretary of state as provided in K.S.A. 2018 Supp. 17-7910, and amendments thereto. If restated articles of organization restate and integrate and also further amend in any respect the articles of organization, as previously amended or supplemented, they shall be specifically designated in their heading as "amended and restated articles of organization" together with such other words as the limited liability company may deem appropriate and shall be executed by at least one authorized person and filed as provided in K.S.A. 2018 Supp. 17-7910, and amendments thereto.

~~(c)~~(3) Restated articles of organization shall state, either in their heading or in an introductory paragraph, the limited liability company's present name; if it has been changed, the name under which it was originally filed; the date of filing of its original articles of organization with the secretary of state; and the future effective date, which shall be a date certain, of the restated articles of organization if they are not to be effective upon the filing of the restated articles of organization with the secretary of state, ~~such future effective date must be within 90 days of the date of filing such restated articles of organization with the secretary of state.~~ Restated articles of organization shall also state that they were duly executed and are being filed in accordance with this section. If restated articles of organization only restate and integrate and do not further amend a limited liability company's articles of organization as previously amended or supplemented and there is no discrepancy between those provisions and the restated articles of organization, they shall state that fact as well.

~~(d)~~(4) Upon the filing of restated articles of organization with the secretary of state, or upon the future effective date of restated articles of organization as provided for therein, the initial articles of organization, as previously amended or supplemented, shall be superseded. Thereafter the restated articles of organization, including any further amendment or changes made thereby, shall be the articles of organization of the limited liability company, but the original effective date of formation shall remain unchanged.

~~(e)~~(5) Any amendment or change effected in connection with the restatement and integration of the articles of organization shall be subject to any other provision of this act, not inconsistent with this section, which would apply if a separate certificate of

amendment were filed to effect such amendment or change.

(b) Restated certificate of designation.

(1) A series of a limited liability company may, whenever desired, integrate into a single instrument all of the provisions of its certificate of designation that are then in effect and operative as a result of there having previously been filed with the secretary of state one or more certificates or other instruments pursuant to K.S.A. 17-7673 through 17-7683, and amendments thereto, the business entity standard treatment act, K.S.A. 2018 Supp. 17-7901 et seq., and amendments thereto, and sections 2 and 3, and amendments thereto, and it may at the same time further amend its certificate of designation by adopting a restated certificate of designation.

(2) If a restated certificate of designation merely restates and integrates but does not further amend the initial certificate of designation, as previously amended or supplemented by any instrument that was executed and filed pursuant to K.S.A. 17-7673 through 17-7683, and amendments thereto, the business entity standard treatment act, K.S.A. 2018 Supp. 17-7901 et seq., and amendments thereto, and sections 2 and 3, and amendments thereto, it shall be specifically designated in its heading as a "restated certificate of designation" together with such other words as the series may deem appropriate and shall be executed by an authorized person and filed as provided in K.S.A. 2018 Supp. 17-7910, and amendments thereto. If a restated certificate restates and integrates and also further amends in any respect the certificate of designation as previously amended or supplemented, it shall be specifically designated in its heading as an "amended and restated certificate of designation" together with such other words as the series may deem appropriate and shall be executed by at least one authorized person and filed as provided in K.S.A. 2018 Supp. 17-7910, and amendments thereto.

(3) A restated certificate of designation shall state, either in its heading or in an introductory paragraph, the name of the limited liability company, the present name of the series, and, if the name of the series has been changed, the name under which it was originally filed, and the future effective date or time, which shall be a date or time certain, of the restated certificate of designation if it is not to be effective upon the filing of the restated certificate of designation. A restated certificate shall also state that it was duly executed and is being filed in accordance with this section. If a restated certificate only restates and integrates and does not further amend a certificate of designation, as previously amended or supplemented and there is no discrepancy between those provisions and the restated certificate, it shall state that fact as well.

(4) Upon the filing of a restated certificate of designation with the secretary of state, or upon the future effective date or time of a restated certificate of designation as provided for therein, the initial certificate of designation, as theretofore amended or supplemented, shall be superseded. Thereafter, the restated certificate of designation, including any further amendment or changes made thereby, shall be the certificate of designation of such series, but the original effective date of formation of the series, as applicable, shall remain unchanged.

(5) Any amendment or change effected in connection with the restatement and integration of a certificate of designation shall be subject to any other provision of the Kansas revised limited liability company act, not inconsistent with this section, which would apply if a separate certificate of amendment were filed to effect such amendment or change.

Sec. 22. K.S.A. 2018 Supp. 17-7681 is hereby amended to read as follows: 17-

7681. (a) Pursuant to an agreement of merger or consolidation, one or more domestic limited liability companies may merge or consolidate with or into one or more limited liability companies formed under the laws of the state of Kansas or any other state or any foreign country or other foreign jurisdiction, or any combination thereof, with such limited liability company as the agreement shall provide being the surviving or resulting limited liability company.

(1) (A) Unless otherwise provided in the operating agreement, an agreement of merger or consolidation shall be consented to or approved by each domestic limited liability company which is to merge or consolidate by members who own more than 50% of the then-current percentage or other interest in the profits of the domestic limited liability company owned by all of the members;

(B) unless otherwise provided in the operating agreement, a limited liability company whose original articles of organization were filed with the secretary of state and effective on or prior to June 30, 2019, shall not be governed by subsection (a)(1) (A), but shall be governed by this subparagraph. Unless otherwise provided in the operating agreement, an agreement of merger or consolidation shall be consented to or approved by each domestic limited liability company which is to merge or consolidate by the members, or if there is more than one class or group of members, then by each class or group of members, in either case, by members who own more than 50% of the then current percentage or other interest in the profits of the domestic limited liability company owned by all of the members or by the members in each class or group, as appropriate.

(2) In connection with a merger or consolidation hereunder, rights or securities of, or interests in, a domestic limited liability company which is a constituent party to the merger or consolidation may be exchanged for or converted into cash, property, rights or securities of, or interests in, the surviving or resulting limited liability company or, in addition to or in lieu thereof, may be exchanged for or converted into cash, property, rights or securities of, or interests in, a limited liability company which an entity as defined in K.S.A. 2018 Supp. 17-78-102, and amendments thereto, that is not the surviving or resulting limited liability company in the merger or consolidation, may remain outstanding, or may be canceled.

(3) Notwithstanding prior consent or approval, an agreement of merger or consolidation may be terminated or amended pursuant to a provision for such termination or amendment contained in the agreement of merger or consolidation.

(b) The limited liability company surviving or resulting in or from the merger or consolidation shall file a certificate of merger or consolidation executed by one or more authorized persons on behalf of the domestic limited liability company when it is the surviving or resulting entity with the secretary of state. The certificate of merger or consolidation shall state:

(1) The name and jurisdiction of formation or organization of each of the limited liability companies which is to merge or consolidate;

(2) that an agreement of merger or consolidation has been consented to or approved and executed by each of the limited liability companies which is to merge or consolidate;

(3) the name of the surviving or resulting limited liability company;

(4) in the case of a merger in which a domestic limited liability company is the surviving entity, such amendments, if any, to the articles of organization of the

surviving domestic limited liability company to change its name, registered office or resident agent as are desired to be effected by the merger;

(5) the future effective date or time, which shall be a date certain, of the merger or consolidation if it is not to be effective upon the filing of the certificate of merger or consolidation, ~~which date shall, in no event, exceed 90 days after the date the certificate is filed with the secretary of state;~~

(6) that the agreement of merger or consolidation is on file at a place of business of the surviving or resulting limited liability company, and shall state the address thereof;

(7) that a copy of the agreement of merger or consolidation will be furnished by the surviving or resulting limited liability company, on request and without cost, to any member of any limited liability company which is to merge or consolidate; and

(8) if the surviving or resulting limited liability company is not a domestic limited liability company, a statement that such surviving or resulting limited liability company agrees that it may be served with process in the state of Kansas in any action, suit or proceeding for the enforcement of any obligation of any domestic limited liability company which is to merge or consolidate, irrevocably appointing the secretary of state as its agent to accept service of process in any such action, suit or proceeding and specifying the address to which a copy of such process shall be mailed to it by the secretary of state.

(c) A certificate of merger or consolidation shall act as a certificate of cancellation for a domestic limited liability company which is not the surviving or resulting limited liability company in the merger or consolidation. A certificate of merger that sets forth any amendment in accordance with subsection (b)(4) shall be deemed to be an amendment to the articles of organization of the limited liability company, and the limited liability company shall not be required to take any further action to amend its articles of organization under K.S.A. 17-7674, and amendments thereto, with respect to such amendments set forth in the certificate of merger. Whenever this section requires the filing of a certificate of merger or consolidation, such requirement shall be deemed satisfied by the filing of an agreement of merger or consolidation containing the information required by this section to be set forth in the certificate of merger or consolidation.

(d) An agreement of merger or consolidation consented to or approved in accordance with subsection (a) ~~of this section~~ may:

- (1) Effect any amendment to the operating agreement; or
- (2) effect the adoption of a new operating agreement, for a limited liability company if it is the surviving or resulting limited liability company in the merger or consolidation.

Any amendment to an operating agreement or adoption of a new operating agreement made pursuant to the foregoing sentence shall be effective at the effective time or date of the merger or consolidation and shall be effective notwithstanding any provision of the operating agreement relating to amendment or adoption of a new operating agreement, other than a provision that by its terms applies to an amendment to the operating agreement or the adoption of a new operating agreement, in either case, in connection with a merger or consolidation. The provisions of this subsection shall not be construed to limit the accomplishment of a merger or of any of the matters referred to herein by any other means provided for in an operating agreement or other agreement or as otherwise permitted by law, including that the operating agreement of any

constituent limited liability company to the merger or consolidation, including a limited liability company formed for the purpose of consummating a merger or consolidation, shall be the operating agreement of the surviving or resulting limited liability company.

(e) When any merger or consolidation shall have become effective under this section, for all purposes of the laws of the state of Kansas, all of the rights, privileges and powers of each of the limited liability companies that have merged or consolidated, and all property, real, personal and mixed, and all debts due to any of the limited liability companies, as well as all other things and causes of action belonging to each of such limited liability companies, shall be vested in the surviving or resulting limited liability company, and shall thereafter be the property of the surviving or resulting limited liability company as they were of each of the limited liability companies that have merged or consolidated, and the title to any real property vested by deed or otherwise, under the laws of the state of Kansas, in any of such limited liability companies, shall not revert or be in any way impaired by reason of this act, but all rights of creditors and all liens upon any property of any of the limited liability companies shall be preserved unimpaired, and all debts, liabilities and duties of each of the limited liability companies that have merged or consolidated shall thenceforth attach to the surviving or resulting limited liability company, and may be enforced against it to the same extent as if the debts, liabilities and duties had been incurred or contracted by it. Unless otherwise agreed, a merger or consolidation of a domestic limited liability company, including a domestic limited liability company which is not the surviving or resulting entity in the merger or consolidation, shall not require such domestic limited liability company to wind up its affairs under K.S.A. 17-76,118, and amendments thereto, or pay its liabilities and distribute its assets under K.S.A. 17-76,119, and amendments thereto, and the merger or consolidation shall not constitute a dissolution of such limited liability company.

(f) A limited liability company may merge or consolidate with or into any other entity in accordance with the business entity transactions act, K.S.A. 2018 Supp. 17-78-101 et seq., and amendments thereto.

(g) An operating agreement may provide that a domestic limited liability company shall not have the power to merge or consolidate as set forth in this section.

Sec. 23. K.S.A. 2018 Supp. 17-7687 is hereby amended to read as follows: 17-7687. (a) An operating agreement may provide for classes or groups of members having such relative rights, powers and duties as the operating agreement may provide, and may make provision for the future creation in the manner provided in the operating agreement of additional classes or groups of members having such relative rights, powers and duties as may from time to time be established, including rights, powers and duties senior to existing classes and groups of members. An operating agreement may provide for the taking of an action, including the amendment of the operating agreement, without the vote, consent or approval of any member or class or group of members, including an action to create under the provisions of the operating agreement a class or group of limited liability company interests that was not previously outstanding. An operating agreement may provide that any member or class or group of members shall have no voting rights.

(b) An operating agreement may grant to all or certain identified members or a specified class or group of the members the right to vote separately or with all or any class or group of the members or managers, on any matter. Voting by members may be

on a per capita, number, financial interest, class, group or any other basis.

(c) An operating agreement may set forth provisions relating to notice of the time, place or purpose of any meeting at which any matter is to be voted on by any members, waiver of any such notice, action by consent or approval without a meeting, the establishment of a record date, quorum requirements, voting in person or by proxy, or any other matter with respect to the exercise of any such right to vote.

(d) Unless otherwise provided in an operating agreement, meetings of members may be held by means of conference telephone or other communications equipment by means of which all persons participating in the meeting can hear each other, and participation in a meeting pursuant to this subsection shall constitute presence in person at the meeting. Unless otherwise provided in an operating agreement, on any matter that is to be voted on, consented to or approved by members, the members may take such action without a meeting, without prior notice and without a vote, if consented to or approved, in writing ~~or~~, by electronic transmission, or by any other means permitted by law, by members having not less than the minimum number of votes that would be necessary to authorize or take such action at a meeting at which all members entitled to vote thereon were present and voted. Unless otherwise provided in an operating agreement, if a person, whether or not then a member, consents to or approves as a member any matter and provides that such consent or approval will be effective at a future time, including a time determined upon the happening of an event, then such person shall be deemed to have consented or approved as a member at such future time so long as such person is then a member. Unless otherwise provided in an operating agreement, on any matter that is to be voted on by members, the members may vote in person or by proxy, and such proxy may be granted in writing, by means of electronic transmission or as otherwise permitted by applicable law. Unless otherwise provided in an operating agreement, a consent or approval transmitted by electronic transmission by a member or by a person or persons authorized to act for a member shall be deemed to be written and signed for purposes of this subsection. For purposes of this subsection, the term "electronic transmission" means any form of communication not directly involving the physical transmission of paper, including the use of, or participation in, one or more electronic networks or databases, including one or more distributed electronic networks or databases, that creates a record that may be retained, retrieved and reviewed by a recipient thereof and that may be directly reproduced in paper form by such a recipient through an automated process.

(e) Unless otherwise provided in the operating agreement or in ~~this the Kansas~~ revised limited liability company act, every member holding an interest in profits shall be entitled to vote.

(f) If an operating agreement provides for the manner in which it may be amended, including by requiring the approval or consent of a person who is not a party to the operating agreement or the satisfaction of conditions, it may be amended only in that manner or as otherwise permitted by law, including as permitted by ~~subsection (e) of~~ K.S.A. 17-7681(e), and amendments thereto, provided that the approval or consent of any person may be waived by such person and that any such conditions may be waived by all persons for whose benefit such conditions were intended. Unless otherwise provided in an operating agreement, a supermajority amendment provision shall only apply to provisions of the operating agreement that are expressly included in the operating agreement. As used in this section, "supermajority amendment provision"

means any amendment provision set forth in an operating agreement requiring that an amendment to a provision of the operating agreement be adopted by no less than the vote or consent or approval required to take action under such latter provision.

(g) If an operating agreement does not provide for the manner in which it may be amended, the operating agreement may be amended with the approval or consent of all of the members or as otherwise permitted by law, including as permitted by ~~subsection (e) of K.S.A. 17-7681(e)~~, and amendments thereto. This subsection shall only apply to a limited liability company whose original articles of organization were filed with the secretary of state on or after July 1, 2014.

Sec. 24. K.S.A. 2018 Supp. 17-7689 is hereby amended to read as follows: 17-7689. A person ceases to be a member of a limited liability company upon the happening of any of the following events:

(a) Unless otherwise provided in an operating agreement, or with the ~~written consent~~ or approval of all members, a member:

- (1) Makes an assignment for the benefit of creditors;
- (2) files a voluntary petition in bankruptcy;
- (3) is adjudged a bankrupt or insolvent, or has entered against the member an order for relief, in any bankruptcy or insolvency proceeding;
- (4) files a petition or answer seeking for the member any reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief under any statute, law or regulation;

(5) files an answer or other pleading admitting or failing to contest the material allegations of a petition filed against the member in any proceeding of this nature;

(6) seeks, consents to or acquiesces in the appointment of a trustee, receiver or liquidator of the member or of all or any substantial part of the member's properties; or

(b) unless otherwise provided in an operating agreement, or with the ~~written consent~~ or approval of all members, 120 days after the commencement of any proceeding against the member seeking reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief under any statute, law or regulation, if the proceeding has not been dismissed, or if within 90 days after the appointment without the member's consent or acquiescence of a trustee, receiver or liquidator of the member or of all or any substantial part of the member's properties, the appointment is not vacated or stayed, or within 90 days after the expiration of any such stay, the appointment is not vacated.

Sec. 25. K.S.A. 2018 Supp. 17-7690 is hereby amended to read as follows: 17-7690. (a) Each member of a limited liability company, in person or by attorney or other agent, has the right, subject to such reasonable standards, including standards governing what information and documents are to be furnished at what time and location and at whose expense, as may be set forth in an operating agreement or otherwise established by the manager or, if there is no manager, then by the members, to obtain from the limited liability company from time to time upon reasonable demand for any purpose reasonably related to the member's interest as a member of the limited liability company:

(1) True and full information regarding the status of the business and financial condition of the limited liability company;

(2) promptly after becoming available, a copy of the limited liability company's federal, state and local income tax returns for each year;

(3) a current list of the name and last known business, residence or mailing address of each member and manager;

(4) a copy of any written operating agreement and articles of organization and all amendments thereto, together with executed copies of any written powers of attorney pursuant to which the operating agreement and any certificate and all amendments thereto have been executed;

(5) true and full information regarding the amount of cash and a description and statement of the agreed value of any other property or services contributed by each member and which each member has agreed to contribute in the future, and the date on which each became a member; and

(6) other information regarding the affairs of the limited liability company as is just and reasonable.

(b) Each manager shall have the right to examine all of the information described in subsection (a) for a purpose reasonably related to the position of manager.

(c) The manager of a limited liability company shall have the right to keep confidential from the members, for such period of time as the manager deems reasonable, any information which the manager reasonably believes to be in the nature of trade secrets or other information the disclosure of which the manager in good faith believes is not in the best interest of the limited liability company or could damage the limited liability company or its business or which the limited liability company is required by law or by agreement with a third party to keep confidential.

(d) A limited liability company may maintain its records in other than a written form, including on, by means of, or in the form of any information storage device, method, or one or more electronic networks or databases, including one or more distributed electronic networks or databases, if such form is capable of conversion into written form within a reasonable time.

(e) ~~Any demand by a member~~ under this section shall be in writing and shall state the purpose of such demand. In every instance where an attorney or other agent is the person who seeks the right to obtain the information described in subsection (a), the demand shall be accompanied by a power of attorney or such other writing that authorizes the attorney or other agent to so act on behalf of the member.

(f) Any action to enforce any right arising under this section shall be brought in the district court. If the limited liability company refuses to permit a member, or attorney or other agent acting for the member, to obtain or a manager to examine the information described in subsection (a) or does not reply to the demand that has been made within five business days, or such shorter or longer period of time as is provided for in an operating agreement, but not longer than 30 business days, after the demand has been made, the demanding member or manager may apply to the district court for an order to compel such disclosure. The district court may summarily order the limited liability company to permit the demanding member to obtain or manager to examine the information described in subsection (a) and to make copies or abstracts therefrom, or the district court may summarily order the limited liability company to furnish to the demanding member or manager the information described in subsection (a) on the condition that the demanding member or manager first pay to the limited liability company the reasonable cost of obtaining and furnishing such information and on such other conditions as the district court deems appropriate. When a demanding member seeks to obtain or a manager seeks to examine the information described in subsection

(a), the demanding member or manager shall first establish: (1) That the demanding member or manager has complied with the provisions of this section respecting the form and manner of making demand for obtaining or examining of such information; and (2) that the information the demanding member or manager seeks is reasonably related to the member's interest as a member or the manager's position as a manager, as the case may be. The district court may, in its discretion, prescribe any limitations or conditions with reference to the obtaining or examining of information, or award such other or further relief as the district court may deem just and proper. The district court may order books, documents and records, pertinent extracts therefrom, or duly authenticated copies thereof, to be brought within the state of Kansas and kept in the state of Kansas upon such terms and conditions as the order may prescribe.

(g) The rights of a member or manager to obtain information as provided in this section may be restricted in an original operating agreement or in any subsequent amendment consented to, approved or adopted by all of the members or in compliance with any applicable requirements of the operating agreement. The provisions of this subsection shall not be construed to limit the ability to impose restrictions on the rights of a member or manager to obtain information by any other means permitted under this the Kansas revised limited liability company act.

(h) A limited liability company shall maintain a current record that identifies the name and last known business, residence, or mailing address of each member and manager.

Sec. 26. K.S.A. 2018 Supp. 17-7695 is hereby amended to read as follows: 17-7695. (a) An operating agreement may provide for classes or groups of managers having such relative rights, powers and duties as the operating agreement may provide, and may make provision for the future creation in the manner provided in the operating agreement of additional classes or groups of managers having such relative rights, powers and duties as may from time to time be established, including rights, powers and duties senior to existing classes and groups of managers. An operating agreement may provide for the taking of an action, including the amendment of the operating agreement, without the vote, consent or approval of any manager or class or group of managers, including an action to create under the provisions of the operating agreement a class or group of limited liability company interests that was not previously outstanding.

(b) An operating agreement may grant to all or certain identified managers or a specified class or group of the managers the right to vote, separately or with all or any class or group of managers or members, on any matter. Voting by managers may be on a per capita, number, financial interest, class, group or any other basis. Unless otherwise provided in an operating agreement, if more than one manager is appointed, all managers shall have an equal vote per capita.

(c) An operating agreement may set forth provisions relating to notice of the time, place or purpose of any meeting at which any matter is to be voted on by any manager or class or group of managers, waiver of any such notice, action by consent or approval without a meeting, the establishment of a record date, quorum requirements, voting in person or by proxy, or any other matter with respect to the exercise of any such right to vote.

(d) Unless otherwise provided in an operating agreement, meetings of managers may be held by means of conference telephone or other communications equipment by

means of which all persons participating in the meeting can hear each other, and participation in a meeting pursuant to this subsection shall constitute presence in person at the meeting. Unless otherwise provided in an operating agreement, on any matter that is to be voted on, consented to or approved by the managers, the managers may take such action without a meeting, without prior notice and without a vote, if consented to or approved, in writing ~~or~~, by electronic transmission, or by any other means permitted by law, by managers having not less than the minimum number of votes that would be necessary to authorize or take such action at a meeting at which all managers entitled to vote thereon were present and voted. Unless otherwise provided in an operating agreement, if a person, whether or not then a manager, consents to or approves as a manager any matter and provides that such consent or approval will be effective at a future time, including a time determined upon the happening of an event, then such person shall be deemed to have consented or approved as a manager at such future time, so long as such person is then a manager. Unless otherwise provided in an operating agreement, on any matter that is to be voted on by managers, the managers may vote in person or by proxy, and such proxy may be granted in writing, by means of electronic transmission or as otherwise permitted by applicable law. Unless otherwise provided in an operating agreement, a consent or approval transmitted by electronic transmission by a manager or by a person or persons authorized to act for a manager shall be deemed to be written and signed for purposes of this subsection. For purposes of this subsection, the term "electronic transmission" means any form of communication not directly involving the physical transmission of paper, including the use of, or participation in, one or more electronic networks or databases, including one or more distributed electronic networks or databases, that creates a record that may be retained, retrieved and reviewed by a recipient thereof and that may be directly reproduced in paper form by such a recipient through an automated process.

Sec. 27. K.S.A. 2018 Supp. 17-7698 is hereby amended to read as follows: 17-7698. Unless otherwise provided in the operating agreement, a member or manager of a limited liability company has the power and authority to delegate to one or more other persons any or all of the member's or manager's, as the case may be, rights ~~and~~, powers and duties to manage and control the business and affairs of the limited liability company, ~~including to delegate. Any such delegation may be~~ to agents, officers and employees of a member or manager or the limited liability company, ~~and to delegate~~ by a management agreement or another agreement with, or otherwise to, other persons. Unless otherwise provided in the operating agreement, such delegation by a member or manager shall be irrevocable if it states that it is irrevocable. Unless otherwise provided in the operating agreement, such delegation by a member or manager of a limited liability company shall not cause the member or manager to cease to be a member or manager, as the case may be, of the limited liability company or cause the person to whom any such rights ~~and~~, powers and duties have been delegated to be a member or manager, as the case may be, of the limited liability company. No other provision of the Kansas revised limited liability company act shall be construed to restrict a member's or manager's power and authority to delegate any or all of its rights, powers, and duties to manage and control the business and affairs of the limited liability company.

Sec. 28. K.S.A. 2018 Supp. 17-76,106 is hereby amended to read as follows: 17-76,106. (a) A member may resign from a limited liability company only at the time or upon the happening of events specified in an operating agreement and in accordance

with the operating agreement. Notwithstanding anything to the contrary under applicable law, unless an operating agreement provides otherwise, a member may not resign from a limited liability company prior to the dissolution and winding up of the limited liability company.

(b) Unless otherwise provided in an operating agreement, a limited liability company whose original articles of organization were filed with the secretary of state and effective on or prior to June 30, 2014, shall ~~continue to be governed by this section as in effect on June 30, 2014, and shall not be governed by this section~~ not be governed by subsection (a) but shall be governed by this subsection. A member may resign from a limited liability company only at the time or upon the happening of events specified in the operating agreement and in accordance with the operating agreement. Notwithstanding anything to the contrary under applicable law, unless the operating agreement provides otherwise, a member may resign from a limited liability company prior to the dissolution and winding up of the limited liability company. Upon resignation, the member shall be deemed to be an assignee and shall have only the rights of an assignee. The resigned member is not released from the member's liability, if any, to a limited liability company. Notwithstanding anything to the contrary under applicable law, the operating agreement may provide that a limited liability company interest may not be assigned prior to the dissolution and winding up of the limited liability company.

Sec. 29. K.S.A. 2018 Supp. 17-76,112 is hereby amended to read as follows: 17-76,112. (a) A limited liability company interest is assignable in whole or in part except as provided in an operating agreement. The assignee of a member's limited liability company interest shall have no right to participate in the management of the business and affairs of a limited liability company, except as provided in an operating agreement or, unless otherwise provided in the operating agreement, upon the ~~affirmative vote or written~~ consent or approval of all of the members of the limited liability company. Notwithstanding anything to the contrary under applicable law, an operating agreement may provide that a limited liability company interest may not be assigned prior to the dissolution and winding up of the limited liability company.

(b) Unless otherwise provided in an operating agreement:

(1) An assignment of a limited liability company interest does not entitle the assignee to become or to exercise any rights or powers of a member;

(2) an assignment of a limited liability company interest entitles the assignee to share in such profits and losses, to receive such distribution or distributions, and to receive such allocation of income, gain, loss, deduction, or credit or similar item to which the assignor was entitled, to the extent assigned; and

(3) a member ceases to be a member and to have the power to exercise any rights or powers of a member upon assignment of all of the member's limited liability company interest. Unless otherwise provided in an operating agreement, the pledge of, or granting of a security interest, lien or other encumbrance in or against, any or all of the limited liability company interest of a member shall not cause the member to cease to be a member or to have the power to exercise any rights or powers of a member.

(c) Unless otherwise provided in an operating agreement, a member's interest in a limited liability company may be evidenced by a certificate of limited liability company interest issued by the limited liability company. An operating agreement may provide for the assignment or transfer of any limited liability company interest represented by

such a certificate and make other provisions with respect to such certificates. A limited liability company shall not have the power to issue a certificate of limited liability company interest in bearer form.

(d) Unless otherwise provided in an operating agreement and except to the extent assumed by agreement, until an assignee of a limited liability company interest becomes a member, the assignee shall have no liability as a member solely as a result of the assignment.

(e) Unless otherwise provided in the operating agreement, a limited liability company may acquire, by purchase, redemption or otherwise, any limited liability company interest or other interest of a member or manager in the limited liability company. Unless otherwise provided in the operating agreement, any such interest so acquired by the limited liability company shall be deemed canceled.

Sec. 30. K.S.A. 2018 Supp. 17-76,113 is hereby amended to read as follows: 17-76,113. (a) On application by a judgment creditor of a member or of a member's assignee, a court having jurisdiction may charge the limited liability company interest of the judgment debtor to satisfy the judgment. To the extent so charged, the judgment creditor has only the right to receive any distribution or distributions to which the judgment debtor would otherwise have been entitled in respect of such limited liability company interest.

(b) A charging order constitutes a lien on the judgment debtor's limited liability company interest.

(c) ~~This~~ The Kansas revised limited liability company act does not deprive a member or member's assignee of a right under exemption laws with respect to the judgment debtor's limited liability company interest.

(d) The entry of a charging order is the exclusive remedy by which a judgment creditor of a member or of a member's assignee may satisfy a judgment out of the judgment debtor's limited liability company interest, and attachment, garnishment, foreclosure, or other legal or equitable remedies are not available to the judgment creditor, whether the limited liability company has one member or more than one member.

(e) No creditor of a member or of a member's assignee shall have any right to obtain possession of, or otherwise exercise legal or equitable remedies with respect to, the property of the limited liability company.

(f) The district court shall have jurisdiction to hear and determine any matter relating to any such charging order.

Sec. 31. K.S.A. 2018 Supp. 17-76,114 is hereby amended to read as follows: 17-76,114. (a) An assignee of a limited liability company interest ~~may become~~ becomes a member:

(1) As provided in the operating agreement; ~~or~~
 (2) unless otherwise provided in the operating agreement, upon the ~~affirmative vote or written~~ consent or approval of all of the members of the limited liability company; ~~or~~

(3) unless otherwise provided in the operating agreement by a specific reference to this subsection (a) or otherwise provided in connection with the assignment, upon the voluntary assignment by the sole member of the limited liability company of all of the limited liability company interests in the limited liability company to a single assignee. An assignment will be voluntary for purposes of this subsection (a) if it is consented to

or approved by the member at the time of the assignment and is not effected by foreclosure or other similar legal process.

(b) An assignee who has become a member has, to the extent assigned, the rights and powers, and is subject to the restrictions and liabilities, of a member under an operating agreement and ~~this the Kansas revised limited liability company act.~~ Notwithstanding the foregoing, unless otherwise provided in an operating agreement, an assignee who becomes a member is liable for the obligations of the assignor to make contributions as provided in K.S.A. 17-76,100, and amendments thereto, but shall not be liable for the obligations of the assignor under K.S.A. 17-76,104 through 17-76,110, and amendments thereto. However, the assignee is not obligated for liabilities, including the obligations of the assignor to make contributions as provided in K.S.A. 17-76,100, and amendments thereto, unknown to the assignee at the time the assignee became a member and which could not be ascertained from an operating agreement.

(c) Whether or not an assignee of a limited liability company interest becomes a member, the assignor is not released from liability to a limited liability company under K.S.A. 17-7699 through 17-76,110, and amendments thereto.

Sec. 32. K.S.A. 2018 Supp. 17-76,116 is hereby amended to read as follows: 17-76,116. (a) A limited liability company is dissolved and its affairs shall be wound up upon the first to occur of the following:

(1) At the time specified in an operating agreement, but if no such time is set forth in the operating agreement, then the limited liability company shall have a perpetual existence;

(2) upon the happening of events specified in an operating agreement;

(3) ~~(A) unless otherwise provided in an operating agreement, upon the affirmative vote, consent or written approval of members who own 2/3 or more of the then-current percentage or other interest in the profits of the limited liability company owned by all of the members; or~~

(B) unless otherwise provided in an operating agreement, a limited liability company whose original articles of organization were filed with the secretary of state and effective on or prior to June 30, 2019, shall not be governed by subparagraph (A) but shall be governed by this subparagraph. Unless otherwise provided in an operating agreement, upon the vote or consent of the members of the limited liability company or, if there is more than one class or group of members, then by each class or group of members, in either case, by members who own more than 2/3 of the then-current percentage or other interest in the profits of the limited liability company owned by all of the members or by the members in each class or group, as appropriate;

(4) at any time there are no members, provided that, the limited liability company is not dissolved and is not required to be wound up if:

(A) Unless otherwise provided in an operating agreement, within 90 days or such other period as is provided for in the operating agreement after the occurrence of the event that terminated the continued membership of the last remaining member, the personal representative of the last remaining member ~~agrees in writing~~ to continue the limited liability company and to the admission of the personal representative of such member or its nominee or designee to the limited liability company as a member, effective as of the occurrence of the event that terminated the continued membership of the last remaining member, except that an operating agreement may provide that the personal representative of the last remaining member shall be obligated to agree ~~in~~

writing to continue the limited liability company and to the admission of the personal representative of such member or its nominee or designee to the limited liability company as a member, effective as of the occurrence of the event that terminated the continued membership of the last remaining member; or

(B) a member is admitted to the limited liability company in the manner provided for in the operating agreement, effective as of the occurrence of the event that terminated the continued membership of the last remaining member, within 90 days or such other period as is provided for in the operating agreement after the occurrence of the event that terminated the continued membership of the last remaining member, pursuant to a provision of the operating agreement that specifically provides for the admission of a member to the limited liability company after there is no longer a remaining member of the limited liability company; or

(5) the entry of a decree of judicial dissolution under K.S.A. 17-76,117, and amendments thereto.

(b) Unless otherwise provided in an operating agreement, the death, retirement, resignation, expulsion, bankruptcy or dissolution of any member or the occurrence of ~~any other an~~ event that terminates the continued membership of any member shall not cause the limited liability company to be dissolved or its affairs to be wound up, and upon the occurrence of any such event, the limited liability company shall be continued without dissolution.

Sec. 33. K.S.A. 2018 Supp. 17-76,118 is hereby amended to read as follows: 17-76,118. (a) (1) Unless otherwise provided in the operating agreement, a manager who has not wrongfully dissolved a limited liability company or, if none, the members or a person consented to or approved by the members, in either case, by members who own more than 50% of the then-current percentage or other interest in the profits of the limited liability company owned by all of the members, may wind up the limited liability company's affairs, but the district court upon cause shown, may wind up the limited liability company's affairs upon application of any member or manager, or the member's personal representative or assignee, and in connection therewith, may appoint a liquidating trustee.

(2) Unless otherwise provided in the operating agreement, a limited liability company whose original articles of organization were filed with the secretary of state and effective on or prior to June 30, 2019, shall not be governed by paragraph (1) but shall be governed by this paragraph. Unless otherwise provided in the operating agreement, a manager who has not wrongfully dissolved a limited liability company or, if none, the members or a person consented to or approved by the members or, if there is more than one class or group of members, then by each class or group of members, in either case, by members who own more than 50% of the then-current percentage or other interest in the profits of the limited liability company owned by all of the members or by the members in each class or group, as appropriate, may wind up the limited liability company's affairs; but the district court upon cause shown, may wind up the limited liability company's affairs upon application of any member or manager, or the member's personal representative or assignee, and in connection therewith, may appoint a liquidating trustee.

(b) Upon dissolution of a limited liability company and until the filing of a certificate of cancellation as provided in K.S.A. 17-7675, and amendments thereto, the persons winding up the limited liability company's affairs may, in the name of, and for

and on behalf of, the limited liability company, prosecute and defend suits, whether civil, criminal or administrative, gradually settle and close the limited liability company's business, dispose of and convey the limited liability company's property, discharge or make reasonable provision for the limited liability company's liabilities, and distribute to the members any remaining assets of the limited liability company, all without affecting the liability of members and managers and without imposing liability on a liquidating trustee.

Sec. 34. K.S.A. 17-76,135 is hereby amended to read as follows: 17-76,135. In any case not provided for in ~~this the Kansas revised limited liability company act~~, the rules of law and equity, including the rules of law and equity relating to fiduciary duties and the law merchant, shall govern.

Sec. 35. K.S.A. 2018 Supp. 17-76,136 is hereby amended to read as follows: 17-76,136. (a) The secretary of state shall charge each domestic and foreign limited liability company the following fees:

(1) A fee of \$20 for issuing or filing and indexing any of the following documents:
 (A) A certificate of amendment of articles of organization;
 (B) restated articles of organization;
 (C) a certificate of cancellation;
 (D) a certificate of change of location of registered office or resident agent;
 (E) a certificate of merger or consolidation; ~~and~~
 (F) a certificate of division; and
 (G) any certificate, affidavit, agreement or any other paper provided for in ~~this the Kansas revised limited liability company act~~, for which no different fee is specifically prescribed;

(2) a fee of \$7.50 for each certified copy plus a fee per page, if the secretary of state supplies the copies, in an amount fixed by the secretary of state and approved by the director of accounts and reports for copies of corporate documents under K.S.A. 45-204, and amendments thereto;

(3) a fee of \$7.50 for each certificate of good standing and certificate of fact issued by the secretary of state;

(4) a fee of \$5 for a report of record search, but furnishing the following information shall not be considered a record search and no charge shall be made therefor: Name of the limited liability company and the address of its registered office; name and address of the resident agent; the state of the limited liability company's formation; the date of filing of its articles of organization or annual report; and date of expiration; and

(5) for photocopies of instruments on file or prepared by the secretary of state's office and which are not certified, a fee per page in an amount fixed by the secretary of state and approved by the director of accounts and reports for copies of corporate documents under K.S.A. 45-204, and amendments thereto.

(b) Every limited liability company hereafter formed in this state shall pay to the secretary of state, at the time of filing its articles of organization, an application and recording fee of \$150.

(c) At the time of filing its application to do business, every foreign limited liability company shall pay to the secretary of state an application and recording fee of \$150.

(d) The fee for filing a certificate of reinstatement shall be the same as that prescribed by K.S.A. 17-7506, and amendments thereto, for filing a certificate of

reinstatement of a corporation's articles of incorporation.

Sec. 36. On and after July 1, 2020, K.S.A. 2018 Supp. 17-76,136, as amended by section 35 of this act, is hereby amended to read as follows: 17-76,136. (a) The secretary of state shall charge each domestic and foreign limited liability company the following fees:

- (1) A fee of \$20 for issuing or filing and indexing any of the following documents:
 - (A) A certificate of amendment of articles of organization;
 - (B) restated articles of organization;
 - (C) a certificate of cancellation, which fee shall be multiplied by the number of series of the limited liability company named in the certificate of cancellation;
 - (D) a certificate of change of location of registered office or resident agent;
 - (E) a certificate of merger or consolidation;
 - (F) a certificate of division; and
 - (G) any certificate, affidavit, agreement or any other paper provided for in the Kansas revised limited liability company act, for which no different fee is specifically prescribed;
- (2) a fee of \$7.50 for each certified copy plus a fee per page, if the secretary of state supplies the copies, in an amount fixed by the secretary of state and approved by the director of accounts and reports for copies of corporate documents under K.S.A. 45-204, and amendments thereto;
- (3) a fee of \$7.50 for each certificate of good standing, including a certificate of good standing for a series of a limited liability company, and certificate of fact issued by the secretary of state;
- (4) a fee of \$5 for a report of record search, but furnishing the following information shall not be considered a record search and no charge shall be made therefor: Name of the limited liability company and the address of its registered office; name and address of the resident agent; the state of the limited liability company's formation; the date of filing of its articles of organization or annual report; and date of expiration; and
- (5) for photocopies of instruments on file or prepared by the secretary of state's office and which are not certified, a fee per page in an amount fixed by the secretary of state and approved by the director of accounts and reports for copies of corporate documents under K.S.A. 45-204, and amendments thereto.

(b) Every limited liability company hereafter formed in this state shall pay to the secretary of state, at the time of filing its articles of organization, an application and recording fee of \$150.

(c) At the time of filing its application to do business, every foreign limited liability company shall pay to the secretary of state an application and recording fee of \$150.

(d) The fee for filing a certificate of reinstatement shall be the same as that prescribed by K.S.A. 17-7506, and amendments thereto, for filing a certificate of reinstatement of a corporation's articles of incorporation.

Sec. 37. K.S.A. 17-76,138 is hereby amended to read as follows: 17-76,138. For purposes of any tax imposed by the state of Kansas or any instrumentality, agency or political subdivision of the state of Kansas, a domestic limited liability company ~~formed under this act or a foreign limited liability company~~ qualified to do business in the state of Kansas as a ~~foreign limited liability company~~ shall be classified as a partnership unless classified otherwise for federal income tax purposes, in which case the domestic

or foreign limited liability company shall be classified in the same manner as it is classified for federal income tax purposes. For purposes of any tax imposed by the state of Kansas or any instrumentality, agency or political subdivision of the state of Kansas, a member or an assignee of a member of a domestic limited liability company ~~formed under this act~~ or a foreign limited liability company qualified to do business in the state of Kansas ~~as a foreign limited liability company~~ shall be treated as either a resident or nonresident partner unless classified otherwise for federal income tax purposes, in which case the member or assignee of a member shall have the same status as such member or assignee of a member has for federal income tax purposes.

Sec. 38. On and after July 1, 2020, K.S.A. 2018 Supp. 17-76,139 is hereby amended to read as follows: 17-76,139. (a) Every limited liability company organized and on and after July 1, 2020, each series thereof formed or in existence under the laws of this state shall make an annual report in writing to the secretary of state, stating the prescribed information concerning the limited liability company or series, as applicable, at the close of business on the last day of its tax period next preceding the date of filing. If the limited liability company's or series' tax period is other than the calendar year, it shall give notice of its different tax period in writing to the secretary of state prior to December 31 of the year it commences the different tax period. The annual report shall be filed at the time prescribed by law for filing the limited liability company's or series' annual Kansas income tax return, or if applicable law does not prescribe a time for filing an annual Kansas income tax return for a series, the annual report for the series shall be filed at, and for purposes of this section its tax period shall be deemed to be, the time prescribed by law for filing the annual Kansas income tax return for the limited liability company to which the series is associated. The annual report shall be made on a form prescribed by the secretary of state. The report shall contain the following information:

- (1) The name of the limited liability company or series, as applicable; and
 - (2) a list of the members owning at least 5% of the capital of the limited liability company or series, as applicable, with the post office address of each.
- (b) Every foreign limited liability company shall make an annual report in writing to the secretary of state, stating the prescribed information concerning the limited liability company at the close of business on the last day of its tax period next preceding the date of filing. If the limited liability company's tax period is other than the calendar year, it shall give notice in writing of its different tax period to the secretary of state prior to December 31 of the year it commences the different tax period. The annual report shall be filed at the time prescribed by law for filing the limited liability company's annual Kansas income tax return. The annual report shall be made on a form prescribed by the secretary of state. The report shall contain the name of the limited liability company.

(c) The annual report required by this section shall be executed by one or more authorized persons, and filed with the secretary of state. The execution of such annual report by a person who is authorized by ~~this the Kansas revised limited liability company~~ act to execute such annual report, upon filing such annual report with the secretary of state, constitutes an oath or affirmation, under penalties of perjury that, to the best of such person's knowledge and belief, the facts stated therein are true. At the time of filing the report, the limited liability company or series shall pay to the secretary of state an annual report fee in an amount equal to \$40.

(d) The provisions of K.S.A. 17-7509, and amendments thereto, relating to penalties for failure of a corporation to file an annual report or pay the required annual report fee, and the provisions of K.S.A. 17-7510(a), and amendments thereto, relating to penalties for failure of a corporation to file an annual report or pay the required annual report fee, shall be applicable to the articles of organization of any domestic limited liability company, the certificate of designation of any series thereof, or to the authority of any foreign limited liability company which fails to file its annual report or pay the annual report fee within 90 days of the time prescribed in this section for filing and paying the same or, in the case of an annual report filing and fee received by mail, postmarked within 90 days of the time for filing and paying the same. Whenever the articles of organization of a domestic limited liability company, the certificate of designation of a series thereof, or the authority of any foreign limited liability company are forfeited or canceled for failure to file an annual report or to pay the required annual report fee, the domestic limited liability company or the authority of a foreign limited liability company may be reinstated by filing a certificate of reinstatement, pursuant to K.S.A. 2018 Supp. 17-76,146, and amendments thereto, and the certificate of designation may be reinstated by filing a certificate of reinstatement, pursuant to section 4, and amendments thereto, and in each case, paying to the secretary of state all fees, including any penalties thereon, due to the state.

(e) No limited liability company or series shall be required to file its first annual report under ~~this the Kansas revised limited liability company~~ act, or pay any annual report fee required to accompany such report, unless such limited liability company has filed its articles of organization or application for authority or the certificate of designation of such series has been filed at least six months prior to the last day of its tax period.

(f) All copies of applications for extension of the time for filing income tax returns submitted to the secretary of state pursuant to law shall be maintained by the secretary of state in a confidential file and shall not be disclosed to any person except as authorized pursuant to the provisions of K.S.A. 79-3234, and amendments thereto, a proper judicial order, or subsection (g). All copies of such applications shall be preserved for one year and thereafter until the secretary of state orders that they be destroyed.

(g) A copy of such application shall be open to inspection by or disclosure to any person who was a member of such limited liability company or series during any part of the period covered by the extension.

Sec. 39. On and after July 1, 2020, K.S.A. 2018 Supp. 17-76,143 is hereby amended to read as follows: 17-76,143. (a) An operating agreement may establish or provide for the establishment of one or more designated series of members, managers ~~or~~ limited liability company interests ~~having or assets~~. If an operating agreement so provides for the establishment or formation of one or more series, then a series may be formed by complying with this section. Any such series may have separate rights, powers or duties with respect to specified property or obligations of the limited liability company or profits and losses associated with specified property or obligations, and to the extent provided in the operating agreement, any such series may have a separate business purpose or investment objective. A series is formed by the filing of a certificate of designation in the office of the secretary of state. Other than pursuant to section 3, and amendments thereto, a series may not merge, convert, or consolidate pursuant to

any section of the Kansas revised limited liability company act, the business entity transactions act, K.S.A. 2018 Supp. 17-78-101 et seq., and amendments thereto, or any other statute of this state.

(b) Notice of the limitation on liabilities of a series as referenced in subsection (c) shall be set forth in the articles of organization of the limited liability company. Notice in articles of organization of the limitation on liabilities of a series as referenced in subsection (c) shall be sufficient for all purposes of this subsection whether or not the limited liability company has formed any series when such notice is included in the articles of organization, and there shall be no requirement that any specific series of the limited liability company be referenced in such notice. The fact that articles of organization that contain the foregoing notice of the limitation on liabilities of a series is on file in the office of the secretary of state shall constitute notice of such limitation on liabilities of a series.

(c) Notwithstanding anything to the contrary set forth in this section the Kansas revised limited liability company act or under other applicable law, in the event that an operating agreement establishes or provides for the establishment of one or more series, and if to the extent the records maintained for any such series account for the assets associated with such series separately from the other assets of the limited liability company, or any other series thereof, and if the operating agreement so provides, and if notice of the limitation on liabilities of a series as referenced in this subsection is set forth in the articles of organization of the limited liability company and if the limited liability company has filed a certificate of designation for each series which is to have limited liability under this section, then the debts, liabilities, obligations and expenses incurred, contracted for or otherwise existing with respect to a particular such series shall be enforceable against the assets of such series only, and not against the assets of the limited liability company generally or any other series thereof, and, unless otherwise provided in the operating agreement, none of the debts, liabilities, obligations and expenses incurred, contracted for or otherwise existing with respect to the limited liability company generally or any other series thereof shall be enforceable against the assets of such series. The fact that the articles of organization contain the foregoing notice of the limitation on liabilities of a series and a certificate of designation for a series is on file in the office of the secretary of state shall constitute notice of such limitation on liabilities of a series. A series with limited liability shall be treated as a separate entity to the extent set forth in the articles of organization. Each series with limited liability may, in its own name, contract, hold title to assets, grant security interests, sue and be sued and otherwise conduct business and exercise the powers of a limited liability company under this act. The limited liability company and any of its series may elect to consolidate their operations as a single taxpayer to the extent permitted under applicable law, elect to work cooperatively, elect to contract jointly or elect to be treated as a single business for purposes of qualification to do business in this or any other state. Such elections shall not affect the limitation of liability set forth in this section except to the extent that the series have specifically accepted joint liability by contract.

(e) Except in the case of a foreign limited liability company that has adopted an assumed name pursuant to K.S.A. 2018 Supp. 17-7933, and amendments thereto, the name of the series with limited liability must contain the entire name of the limited liability company and be distinguishable from the names of the other series set forth in

the articles of organization. In the case of a foreign limited liability company that has adopted an assumed name pursuant to K.S.A. 2018 Supp. 17-7933, and amendments thereto, the name of the series with limited liability must contain the entire name under which the foreign limited liability company has been admitted to transact business in this state.

(d) Upon the filing of the certificate of designation with the secretary of state setting forth the name of each series with limited liability, the series' existence shall begin, and copies of the filed certificate of designation marked with the filing date shall be conclusive evidence, except as against the state, that all conditions precedent required to be performed have been complied with and that the series has been or shall be legally organized and formed under this act. If different from the limited liability company, the certificate of designation for each series shall list the names of the members if the series is member managed or the names of the managers if the series is manager managed. The name of a series with limited liability under subsection (b) may be changed by filing with the secretary of state a certificate of designation identifying the series whose name is being changed and the new name of such series. If not the same as the limited liability company, the names of the members of a member managed series or of the managers of a manager managed series may be changed by filing a new certificate of designation with the secretary of state. A series with limited liability under subsection (b) may be dissolved by filing with the secretary of state a certificate of designation identifying the series being dissolved or by the dissolution of the limited liability company as provided in subsection (m). Certificates of designation may be executed by the limited liability company or any manager, person or entity designated in the operating agreement for the limited liability company.

(e) A series of a limited liability company will be deemed to be in good standing as long as the limited liability company is in good standing.

(f) The resident agent and registered office for the limited liability company in Kansas shall serve as the agent and office for service of process in Kansas for each series.

(g) An operating agreement may provide for classes or groups of members or managers associated with a series having such relative rights, powers and duties as the operating agreement may provide, and may make provision for the future creation of additional classes or groups of members or managers associated with the series having such relative rights, powers and duties as may from time to time be established, including rights, powers and duties senior to existing classes and groups of members or managers associated with the series.

(h) A series may be managed by either the member or members associated with the series or by a manager or managers chosen by the members of such series, as provided in the operating agreement. Unless otherwise provided in an operating agreement, the management of a series shall be vested in the members associated with such series.

(i) An operating agreement may grant to all or certain identified members or managers or a specified class or group of the members or managers associated with a series the right to vote separately or with all or any class or group of the members or managers associated with the series, on any matter. An operating agreement may provide that any member or class or group of members associated with a series shall have no voting rights.

(j) Except to the extent modified in this section, the provisions of this act which are

generally applicable to limited liability companies, their managers, members and transferees shall be applicable to each particular series with respect to the operation of such series:

(k) ~~Except as otherwise provided in an operating agreement, any event under this act or in an operating agreement that causes a manager to cease to be a manager with respect to a series shall not, in itself, cause such manager to cease to be a manager of the limited liability company or with respect to any other series thereof.~~

(l) ~~Except as otherwise provided in an operating agreement, any event under this act or an operating agreement that causes a member to cease to be associated with a series shall not, in itself, cause such member to cease to be associated with any other series or terminate the continued membership of a member in the limited liability company or cause the termination of the series, regardless of whether such member was the last remaining member associated with such series.~~

(m) ~~Except to the extent otherwise provided in the operating agreement, a series may be dissolved and its affairs wound up without causing the dissolution of the limited liability company. The dissolution of a series established in accordance with subsection (b) shall not affect the limitation on liabilities of such series provided by subsection (b). A series is terminated and its affairs shall be wound up upon the dissolution of the limited liability company under article 76 of chapter 17 of the Kansas Statutes Annotated, and amendments thereto.~~

(n) ~~If a limited liability company with the ability to establish a series does not register to do business in a foreign jurisdiction for itself and certain of its series, a series of a limited liability company may itself register to do business as a limited liability company in the foreign jurisdiction in accordance with the laws of the foreign jurisdiction. Neither the preceding sentences nor any provision pursuant thereto in an operating agreement, articles of organization or certificate of designation shall: Restrict a series or limited liability company on behalf of a series from agreeing in the operating agreement or otherwise that any or all of the debts, liabilities, obligations, and expenses incurred, contracted for, or otherwise existing with respect to the limited liability company generally or any other series thereof shall be enforceable against the assets of such series; or restrict a limited liability company from agreeing in the operating agreement or otherwise that any or all of the debts, liabilities, obligations, and expenses incurred, contracted for, or otherwise existing with respect to a series shall be enforceable against the assets of the limited liability company generally. Assets associated with a series may be held directly or indirectly, including in the name of such series, in the name of the limited liability company, through a nominee or otherwise. Records maintained for a series that reasonably identify its assets, including by specific listing, category, type, quantity, computational, or allocational formula or procedure, including a percentage or share of any asset or assets, or by any other method where the identity of such assets is objectively determinable, will be deemed to account for the assets associated with such series separately from the other assets of the limited liability company, or any other series thereof. As used in the Kansas revised limited liability company act, a reference to assets of a series includes assets associated with such series, a reference to assets associated with a series includes assets of such series, a reference to members or managers of a series includes members or managers associated with such series, and a reference to members or managers associated with a series includes members or managers of such series. The following shall apply to a series:~~

(1) A series may carry on any lawful business, purpose or activity, whether or not for profit, with the exception of the business of granting policies of insurance, assuming insurance risks, or banking as defined in K.S.A. 9-702, and amendments thereto. Unless otherwise provided in an operating agreement, a series shall have the power and capacity to, in its own name, contract, hold title to assets, including real, personal, and intangible property, grant liens and security interests, and sue and be sued.

(2) Except as otherwise provided by the Kansas revised limited liability company act, no member or manager of a series shall be obligated personally for any debt, obligation or liability of such series, whether arising in contract, tort or otherwise, solely by reason of being a member or acting as manager of such series. Notwithstanding the preceding sentence, under an operating agreement or under another agreement, a member or manager may agree to be obligated personally for any or all of the debts, obligations and liabilities of one or more series.

(3) An operating agreement may provide for classes or groups of members or managers associated with a series having such relative rights, powers and duties as the operating agreement may provide, and may make provision for the future creation in the manner provided in the operating agreement of additional classes or groups of members or managers associated with such series having such relative rights, powers and duties as may from time to time be established, including rights, powers and duties senior to existing classes and groups of members or managers associated with such series. An operating agreement may provide for the taking of an action, including the amendment of the operating agreement, without the vote, consent or approval of any member or manager or class or group of members or managers, including an action to create under the provisions of the operating agreement a class or group of a series of limited liability company interests that was not previously outstanding. An operating agreement may provide that any member or class or group of members associated with a series shall have no voting rights.

(4) An operating agreement may grant to all or certain identified members or managers or a specified class or group of the members or managers associated with a series the right to vote separately or with all or any class or group of the members or managers associated with such series, on any matter. Voting by members or managers associated with a series may be on a per capita, number, financial interest, class, group or any other basis.

(5) Unless otherwise provided in an operating agreement, the management of a series shall be vested in the members associated with such series in proportion to the then-current percentage or other interest of members in the profits of such series owned by all of the members associated with such series, the decision of members owning more than 50% of such percentage or other interest in the profits controlling, except that if an operating agreement provides for the management of a series, in whole or in part, by a manager, the management of such series, to the extent so provided, shall be vested in the manager who shall be chosen in the manner provided in the operating agreement. The manager of a series shall also hold the offices and have the responsibilities accorded to the manager as set forth in an operating agreement. A series may have more than one manager. Subject to K.S.A. 17-76,105, and amendments thereto, a manager shall cease to be a manager with respect to a series as provided in an operating agreement. Except as otherwise provided in an operating agreement, any event under the Kansas revised limited liability company act or in an operating agreement that

causes a manager to cease to be a manager with respect to a series shall not, in itself, cause such manager to cease to be a manager of the limited liability company or with respect to any other series thereof.

(6) Notwithstanding K.S.A. 17-76,109, and amendments thereto, but subject to subsections (c)(7) and (c)(10), and unless otherwise provided in an operating agreement, at the time a member of a series becomes entitled to receive a distribution with respect to such series, the member has the status of, and is entitled to all remedies available to, a creditor of such series, with respect to the distribution. An operating agreement may provide for the establishment of a record date with respect to allocations and distributions with respect to a series.

(7) Notwithstanding K.S.A. 17-76,110(a), and amendments thereto, a limited liability company may make a distribution with respect to a series. A limited liability company shall not make a distribution with respect to a series to a member to the extent that at the time of the distribution, after giving effect to the distribution, all liabilities of such series, other than liabilities to members on account of their limited liability company interests with respect to such series and liabilities for which the recourse of creditors is limited to specified property of such series, exceed the fair value of the assets associated with such series, except that the fair value of property of such series that is subject to a liability for which the recourse of creditors is limited shall be included in the assets associated with such series only to the extent that the fair value of that property exceeds that liability. For purposes of the immediately preceding sentence, the term "distribution" shall not include amounts constituting reasonable compensation for present or past services or reasonable payments made in the ordinary course of business pursuant to a bona fide retirement plan or other benefits program. A member who receives a distribution in violation of this subsection, and who knew at the time of the distribution that the distribution violated this subsection, shall be liable to the series for the amount of the distribution. A member who receives a distribution in violation of this subsection, and who did not know at the time of the distribution that the distribution violated this subsection, shall not be liable for the amount of the distribution. Subject to K.S.A. 17-76,110(c), and amendments thereto, which shall apply to any distribution made with respect to a series under this subsection, this subsection shall not affect any obligation or liability of a member under an agreement or other applicable law for the amount of a distribution.

(8) Unless otherwise provided in the operating agreement, a member shall cease to be associated with a series and to have the power to exercise any rights or powers of a member with respect to such series upon the assignment of all of the member's limited liability company interest with respect to such series. Except as otherwise provided in an operating agreement, any event under the Kansas revised limited liability company act or an operating agreement that causes a member to cease to be associated with a series shall not, in itself, cause such member to cease to be associated with any other series or terminate the continued membership of a member in the limited liability company or cause the dissolution of the series, regardless of whether such member was the last remaining member associated with such series.

(9) Subject to K.S.A. 17-76,116, and amendments thereto, except to the extent otherwise provided in the operating agreement, a series may be dissolved and its affairs wound up without causing the dissolution of the limited liability company. The dissolution of a series shall not affect the limitation on liabilities of such series provided

by this subsection (c). A series is dissolved and its affairs shall be wound up upon the dissolution of the limited liability company under K.S.A. 17-76,116, and amendments thereto, or otherwise upon the first to occur of the following:

(A) At the time specified in the operating agreement;

(B) upon the happening of events specified in the operating agreement;

(C) unless otherwise provided in the operating agreement, upon the vote, consent or approval of members associated with such series who own $\frac{2}{3}$ or more of the then-current percentage or other interest in the profits of such series of the limited liability company owned by all of the members associated with such series; or

(D) the dissolution of such series under subsection (c)(11).

(10) Notwithstanding K.S.A. 17-76,118(a), and amendments thereto, unless otherwise provided in the operating agreement, a manager associated with a series who has not wrongfully dissolved such series or, if none, the members associated with such series or a person consented to or approved by the members associated with such series, in either case, by members who own more than 50% of the then-current percentage or other interest in the profits of such series owned by all of the members associated with such series, may wind up the affairs of such series, but the district court, upon cause shown, may wind up the affairs of a series upon application of any member or manager associated with such series, or the member's personal representative or assignee, and in connection therewith, may appoint a liquidating trustee. The persons winding up the affairs of a series may, in the name of the limited liability company and for and on behalf of the limited liability company and such series, take all actions with respect to such series as are permitted under K.S.A. 17-76,118(b), and amendments thereto. The persons winding up the affairs of a series shall provide for the claims and obligations of such series and distribute the assets of such series as provided in K.S.A. 17-76,119, and amendments thereto, which section shall apply to the winding up and distribution of assets of a series. Actions taken in accordance with this subsection shall not affect the liability of members and shall not impose liability on a liquidating trustee.

(11) On application by or for a member or manager associated with a series, the district court may decree dissolution of such series whenever it is not reasonably practicable to carry on the business of such series in conformity with an operating agreement.

(12) For all purposes of the laws of the state of Kansas, a series is an association, regardless of the number of members or managers, if any, of such series.

(d) In order to form a series of a limited liability company, a certificate of designation must be filed in accordance with this subsection.

(1)(A) A certificate of designation shall set forth:

(i) The name of the limited liability company; and

(ii) the name of the series.

(B) A certificate of designation may include any other matter that the members of such series determine to include therein.

(C) A certificate of designation properly filed with the secretary of state prior to July 1, 2020, shall be deemed to comply with the requirements of this paragraph.

(2) A certificate of designation shall be executed in accordance with K.S.A. 2018 Supp. 17-7908(b), and amendments thereto, and shall be filed in the office of the secretary of state in accordance with K.S.A. 2018 Supp. 17-7910, and amendments thereto. A certificate of designation is not an amendment to the articles of organization

of the limited liability company.

(3) A certificate of designation may be amended by filing a certificate of amendment thereto in the office of the secretary of state.

(A) The certificate of amendment shall set forth:

(i) The name of the limited liability company;

(ii) the name of the series; and

(iii) the amendment to the certificate of designation.

(B) A certificate of designation properly filed with the secretary of state prior to July 1, 2020, that changed a previously filed certificate of designation shall be deemed to be a certificate of amendment thereto for purposes of this paragraph.

(4) A manager of a series or, if there is no manager, then any member of a series who becomes aware that any statement in a certificate of designation filed with respect to such series was false when made, or that any matter described therein has changed making the certificate of designation false in any material respect, shall promptly amend the certificate of designation.

(5) A certificate of designation may be amended at any time for any other proper purpose.

(6) Unless otherwise provided in the Kansas revised limited liability company act or unless a later effective date or time, which shall be a date or time certain, is provided for in the certificate of amendment, a certificate of amendment shall be effective at the time of its filing with the secretary of state.

(7) A certificate of designation shall be canceled upon the cancellation of the articles of organization of the limited liability company named in the certificate of designation, or upon the filing of a certificate of cancellation of the certificate of designation, or upon the future effective date or time of a certificate of cancellation of the certificate of designation, or as provided in K.S.A. 17-76.139(d), and amendments thereto, or upon the filing of a certificate of merger or consolidation if the series is not the surviving or resulting series in a merger or consolidation or upon the future effective date or time of a certificate of merger or consolidation if the series is not the surviving or resulting series in a merger or consolidation. A certificate of cancellation of the certificate of designation may be filed at any time, and shall be filed, in the office of the secretary of state to accomplish the cancellation of a certificate of designation upon the dissolution of a series for which a certificate of designation was filed and completion of the winding up of such series.

(A) A certificate of cancellation of the certificate of designation shall set forth:

(i) The name of the limited liability company;

(ii) the name of the series;

(iii) the future effective date or time, which shall be a date or time certain, of cancellation if it is not to be effective upon the filing of the certificate of cancellation; and

(iv) any other information the person filing the certificate of cancellation of the certificate of designation determines.

(B) A certificate of designation properly filed with the secretary of state prior to July 1, 2020, that dissolved a series shall be deemed to be a certificate of cancellation thereto for purposes of this paragraph.

(8) A certificate of cancellation of the certificate of designation that is filed in the office of the secretary of state prior to the dissolution or the completion of winding up

of a series may be corrected as an erroneously executed certificate of cancellation of the certificate of designation by filing with the office of the secretary of state a certificate of correction of such certificate of cancellation of the certificate of designation in accordance with K.S.A. 2018 Supp. 17-7912, and amendments thereto.

(9) The secretary of state shall not issue a certificate of good standing with respect to a series if the certificate of designation is canceled or the limited liability company has ceased to be in good standing.

(e) The name of each series as set forth in its certificate of designation:

(1) Shall include the name of the limited liability company, including any word, abbreviation or designation required by K.S.A. 2018 Supp. 17-7920, and amendments thereto;

(2) may contain the name of a member or manager;

(3) must comply with the requirements of K.S.A. 2018 Supp. 17-7918, and amendments thereto, to the same extent as a covered entity; and

(4) may contain any word permitted by K.S.A. 2018 Supp. 17-7920, and amendments thereto, and may not contain any word prohibited to be included in the name of a limited liability company under Kansas law.

~~(f)~~ (f) If a foreign limited liability company, as permitted in the jurisdiction of its organization, has established a series having separate rights, powers or duties and has limited the liabilities of such series so that is registered to do business in this state in accordance with K.S.A. 2018 Supp. 17-7931, and amendments thereto, is governed by an operating agreement that establishes or provides for the establishment of a series of members, managers, limited liability company interests or assets having separate rights, powers or duties with respect to specified property or obligations of the foreign limited liability company or profits and losses associated with specified property or obligations, that fact shall be so stated on the application for registration as a foreign limited liability company. In addition, the foreign limited liability company shall state on such application whether the debts, liabilities and obligations incurred, contracted for or otherwise existing with respect to a particular series, if any, are enforceable against the assets of such series only, and not against the assets of the foreign limited liability company generally or any other series thereof, or so that and whether any of the debts, liabilities, obligations and expenses incurred, contracted for or otherwise existing with respect to the foreign limited liability company generally or any other series thereof are not shall be enforceable against the assets of such series, then the limited liability company, on behalf of itself or any of its series, or any of its series on their own behalf may register to do business in the state in accordance with the provisions of K.S.A. 2018 Supp. 17-7931, and amendments thereto. The limitation of liability shall be so stated on the application for admission as a foreign limited liability company and a certificate of designation shall be filed for each series being registered to do business in the state by the limited liability company. Unless otherwise provided in the operating agreement, the debts, liabilities and obligations incurred, contracted for or otherwise existing with respect to a particular series of such a foreign limited liability company shall be enforceable against the assets of such series only, and not against the assets of the foreign limited liability company generally or any other series thereof and none of the debts, liabilities, obligations and expenses incurred, contracted for or otherwise existing with respect to such a foreign limited liability company generally or any other series thereof shall be enforceable against the assets of such series.

Sec. 40. K.S.A. 2018 Supp. 17-76,145 is hereby amended to read as follows: 17-76,145. (a) If an operating agreement provides the manner in which a dissolution may be revoked, it may be revoked in that manner and, unless an operating agreement prohibits revocation of dissolution, then notwithstanding the occurrence of an event set forth in subsections (a)(1) through (a)(4) of K.S.A. 17-76,116(a)(1) through (a)(4), and amendments thereto, the limited liability company shall not be dissolved and its affairs shall not be wound up if, prior to the filing of a certificate of cancellation with the secretary of state, the limited liability company is continued, effective as of the occurrence of such event, pursuant to the affirmative vote or written consent of all remaining members of the limited liability company or the personal representative of the last remaining member of the limited liability company if there is no remaining member, and any other person whose approval is required under the operating agreement to revoke a dissolution pursuant to this section, except that if the dissolution was caused by a vote or written consent, the dissolution shall not be revoked unless each member and other person, or their respective personal representatives, who voted in favor of, or consented to, the dissolution has voted or consented in writing to continue the limited liability company;

(1) In the case of dissolution effected by the vote, consent or approval of the members or other persons, pursuant to such vote, consent or approval, and the vote, consent or approval of any members or other persons whose vote, consent or approval is required under the operating agreement to revoke a dissolution contemplated by this paragraph;

(2) in the case of dissolution under K.S.A. 17-76,116(a)(1) or (2), and amendments thereto, other than a dissolution effected by the vote, consent or approval of the members or other persons or the occurrence of an event that causes the last remaining member to cease to be a member, pursuant to such vote, consent or approval that, pursuant to the terms of the operating agreement, is required to amend the provision of the operating agreement effecting such dissolution, and the vote, consent or approval of any members or other persons whose vote, consent or approval is required under the operating agreement to revoke a dissolution contemplated by this paragraph; and

(3) in the case of dissolution effected by the occurrence of an event that causes the last remaining member to cease to be a member, pursuant to the vote, consent or approval of the personal representative of the last remaining member of the limited liability company or the assignee of all of the limited liability company interests in the limited liability company, and the vote, consent, or approval of any other person whose vote, consent or approval is required under the operating agreement to revoke a dissolution contemplated by this paragraph.

(b) If there is no remaining member of the limited liability company and the personal representative of the last remaining member or the assignee of all of the limited liability company interests in the limited liability company votes in favor of or, consents to or approves the continuation of the limited liability company, such personal representative or such assignee, as applicable, shall be required to agree in writing to the admission of the personal representative of such member or its a nominee or designee to the limited liability company as a member, effective as of the occurrence of the event that terminated the continued membership of the last remaining member.

(c) The provisions of this section shall not be construed to limit the accomplishment of a revocation of dissolution by other means permitted by law.

Sec. 41. On and after July 1, 2020, K.S.A. 2018 Supp. 17-76,146 is hereby amended to read as follows: 17-76,146. (a) A domestic limited liability company whose articles of organization or a foreign limited liability company whose authority to do business has been canceled or forfeited pursuant to K.S.A. 2018 Supp. 17-7926(b), 17-7929(b) or 17-7934(f), and amendments thereto, or whose articles of organization or authority to do business has been forfeited pursuant to K.S.A. 17-76,139(d), and amendments thereto, may be reinstated by filing with the secretary of state a certificate of reinstatement accompanied by the payment of the fee required by K.S.A. 17-76,136(d), and amendments thereto, and payment of the annual report fees due under K.S.A. 17-76,139(c), and amendments thereto, and all penalties and interest thereon due at the time of the cancellation or forfeiture of its articles of organization or authority to do business. The certificate of reinstatement shall set forth:

(1) The name of the limited liability company at the time its articles of organization or authority to do business was canceled or forfeited and, if such name is not available at the time of reinstatement, the name under which the limited liability company is to be reinstated;

(2) the address of the limited liability company's registered office in the state of Kansas and the name and address of the limited liability company's resident agent in the state of Kansas;

(3) a statement that the certificate of reinstatement is filed by one or more persons authorized to execute and file the certificate of reinstatement to reinstate the limited liability company; and

(4) any other matters the persons executing the certificate of reinstatement determine to include therein.

(b) The certificate of reinstatement shall be deemed to be an amendment to the articles of organization or application for registration of the limited liability company, and the limited liability company shall not be required to take any further action to amend its articles of organization or application for registration under K.S.A. 17-7674 or K.S.A. 2018 Supp. 17-7935, and amendments thereto, with respect to the matters set forth in the certificate of reinstatement.

(c) Upon the filing of a certificate of reinstatement, a limited liability company and all series thereof that have been formed and whose certificate of designation has not been canceled prior to the cancellation of the articles of organization shall be reinstated with the same force and effect as if its articles of organization or authority to do business had not been canceled or forfeited pursuant to K.S.A. 17-76,139(d) or K.S.A. 2018 Supp. 17-7926(b), 17-7929(b) or 17-7934(f), and amendments thereto. Such reinstatement shall validate all contracts, acts, matters and things made, done and performed by the limited liability company, its members, managers, employees and agents during the time when its articles of organization or authority to do business was canceled or forfeited pursuant to K.S.A. 17-76,139(d) or K.S.A. 2018 Supp. 17-7926(b), 17-7929(b) or 17-7934(f), and amendments thereto, with the same force and effect and to all intents and purposes as if the articles of organization or authority to do business had remained in full force and effect. All real and personal property, and all rights and interests, which belonged to the limited liability company at the time its articles of organization or authority to do business was canceled or forfeited pursuant to K.S.A. 17-76,139(d) or K.S.A. 2018 Supp. 17-7926(b), 17-7929(b) or 17-7934(f), and amendments thereto, or which were acquired by the limited liability company following

the cancellation or forfeiture of its articles of organization or authority to do business pursuant to K.S.A. 17-76,139(d) or K.S.A. 2018 Supp. 17-7926(b), 17-7929(b) or 17-7934(f), and amendments thereto, and which were not disposed of prior to the time of its reinstatement, shall be vested in the limited liability company after its reinstatement as fully as they were held by the limited liability company at, and after, as the case may be, the time its articles of organization or authority to do business was canceled or forfeited pursuant to K.S.A. 17-76,139(d) or K.S.A. 2018 Supp. 17-7926(b), 17-7929(b) or 17-7934(f), and amendments thereto. After its reinstatement, the limited liability company shall be as exclusively liable for all contracts, acts, matters and things made, done or performed in its name and on its behalf by its members, managers, employees and agents prior to its reinstatement as if its articles of organization or authority to do business had at all times remained in full force and effect.

Sec. 42. K.S.A. 2018 Supp. 17-7904 is hereby amended to read as follows: 17-7904. ~~(a)~~ The following documents related to limited liability companies shall be filed with the secretary of state:

~~(1)~~(a) Articles of organization as set forth in K.S.A. 17-7673 and K.S.A. 2018 Supp. 17-7673a, and amendments thereto;

~~(2)~~(b) professional articles of organization as set forth in K.S.A. 17-7673 and K.S.A. 2018 Supp. 17-7673a, and amendments thereto;

~~(3)~~(c) series limited liability company articles of organization as set forth in K.S.A. 2018 Supp. 17-76,143, and amendments thereto;

~~(4)~~(d) foreign limited liability company application for authority as set forth in K.S.A. 2018 Supp. 17-7931, and amendments thereto;

~~(5)~~(e) foreign series limited liability company application for admission to transact business as set forth in K.S.A. 2018 Supp. 17-7931 and K.S.A. 2018 Supp. 17-76,143, and amendments thereto;

~~(6)~~(f) annual report as set forth in K.S.A. 17-76,139, and amendments thereto;

~~(7)~~(g) certificate of amendment as set forth in K.S.A. 17-7674 and K.S.A. 2018 Supp. 17-7674a, and amendments thereto;

~~(8)~~(h) restated articles of organization as set forth in K.S.A. 17-7680, and amendments thereto;

~~(9)~~(i) series certificate of designation as set forth in K.S.A. 2018 Supp. 17-76,143, and amendments thereto;

~~(10)~~(j) certificate of amendment or termination to certificate of merger or consolidation as set forth in K.S.A. 17-7681, and amendments thereto;

~~(11)~~(k) certificate of correction as set forth in K.S.A. 2018 Supp. 17-7912, and amendments thereto;

~~(12)~~(l) foreign certificate of correction as set forth in K.S.A. 2018 Supp. 17-7912, and amendments thereto;

~~(13)~~(m) change of registered office or resident agent as set forth in K.S.A. 2018 Supp. 17-7926, 17-7927, 17-7928 and 17-7929, and amendments thereto;

~~(14)~~(n) mergers as set forth in K.S.A. 17-7681, and amendments thereto;

~~(15)~~(o) reinstatement as set forth in K.S.A. 17-76,139, and amendments thereto;

~~(16)~~(p) certificate of cancellation as set forth in K.S.A. 17-7675, and amendments thereto; ~~and~~

~~(17)~~(q) foreign cancellation of registration as set forth in K.S.A. 2018 Supp. 17-7936, and amendments thereto; and

(r) certificate of division as set forth in section 2, and amendments thereto.

~~(b) This section shall take effect on and after January 1, 2015.~~

Sec. 43. On and after July 1, 2020, K.S.A. 2018 Supp. 17-7904, as amended by section 42 of this act, is hereby amended to read as follows: 17-7904. The following documents related to limited liability companies shall be filed with the secretary of state:

(a) Articles of organization as set forth in K.S.A. 17-7673 and K.S.A. 2018 Supp. 17-7673a, and amendments thereto;

(b) professional articles of organization as set forth in K.S.A. 17-7673 and K.S.A. 2018 Supp. 17-7673a, and amendments thereto;

(c) series limited liability company articles of organization as set forth in K.S.A. 2018 Supp. 17-76,143, and amendments thereto;

(d) foreign limited liability company application for authority as set forth in K.S.A. 2018 Supp. 17-7931, and amendments thereto;

(e) foreign series limited liability company application for admission to transact business as set forth in K.S.A. 2018 Supp. 17-7931 and K.S.A. 2018 Supp. 17-76,143, and amendments thereto;

(f) annual report as set forth in K.S.A. 17-76,139, and amendments thereto;

(g) certificate of amendment as set forth in K.S.A. 17-7674 and K.S.A. 2018 Supp. 17-7674a and 17-76,143, and amendments thereto;

(h) restated articles of organization as set forth in K.S.A. 17-7680, and amendments thereto;

(i) series certificate of designation as set forth in K.S.A. 2018 Supp. 17-76,143, and amendments thereto;

(j) certificate of amendment or termination to certificate of merger or consolidation as set forth in K.S.A. 17-7681 or section 3, and amendments thereto;

(k) certificate of correction as set forth in K.S.A. 2018 Supp. 17-7912, and amendments thereto;

(l) foreign certificate of correction as set forth in K.S.A. 2018 Supp. 17-7912, and amendments thereto;

(m) change of registered office or resident agent as set forth in K.S.A. 2018 Supp. 17-7926, 17-7927, 17-7928 and 17-7929, and amendments thereto;

(n) mergers or consolidations as set forth in K.S.A. 17-7681 or section 3, and amendments thereto;

(o) reinstatement as set forth in K.S.A. 17-76,139 or section 4, and amendments thereto;

(p) certificate of cancellation as set forth in K.S.A. 17-7675 or K.S.A. 2018 Supp. 17-76,143, and amendments thereto;

(q) foreign cancellation of registration as set forth in K.S.A. 2018 Supp. 17-7936, and amendments thereto; and

(r) certificate of division as set forth in section 2, and amendments thereto.

Sec. 44. K.S.A. 2018 Supp. 17-7915 is hereby amended to read as follows: 17-7915. Service of process in any action against a covered entity or a series of a limited liability company shall be made in the manner described in K.S.A. 60-304, and amendments thereto.

~~This section shall take effect on and after January 1, 2015.~~

Sec. 45. K.S.A. 2018 Supp. 17-7916 is hereby amended to read as follows: 17-

7916. (a) Unless otherwise provided in a covered entity's public organic document or organic rules, any person may sign any document filed with the secretary of state pursuant to this act by an attorney-in-fact, but a power of attorney to sign a certificate relating to the admission of a general partner must describe the admission. Powers of attorney relating to the signing of a document by an attorney-in-fact need not be filed in the office of the secretary of state but must be retained by the covered entity.

(b) For all purposes of the laws of the state of Kansas, unless otherwise provided in a covered entity's public organic document or organic rules, a power of attorney with respect to ~~matters relating to the formation, internal affairs or termination of a covered entity or granted by a person as a member, incorporator, partner or limited partner of a covered entity, or by an assignee of an interest in a covered entity or by a person seeking to become a member, incorporator, partner, limited partner or an assignee of an interest in a covered entity~~ any document filed with the secretary of state pursuant to the business entity standard treatment act, K.S.A. 2018 Supp. 17-7901 et seq., and amendments thereto, shall be irrevocable if the power of attorney states that it is irrevocable and it is coupled with an interest sufficient in law to support an irrevocable power. Such irrevocable power of attorney, unless otherwise provided therein, or in a covered entity's public organic document or organic rules, shall not be affected by the subsequent death, disability, incapacity, dissolution, termination of existence or bankruptcy of, or any other event concerning, the principal. ~~A power of attorney with respect to matters relating to the organization, internal affairs or termination of a covered entity or granted by a person as a member or an assignee of an interest in a covered entity or by a person seeking to become a member, incorporator, partner or limited partner or an assignee of an interest in a covered entity and, in either case, granted to the covered entity, a manager or member thereof, or any of their respective officers, directors, managers, members, partners, trustees, employees or agents shall be deemed coupled with an interest sufficient in law to support an irrevocable power.~~

Sec. 46. On and after July 1, 2020, K.S.A. 2018 Supp. 17-7918 is hereby amended to read as follows: 17-7918. (a) Except as otherwise provided in subsection (b), the names of all covered entities, except for banks, savings and loan associations and savings banks, must be distinguishable on the records of the office of the secretary of state from:

- (1) The name of any other covered entity or foreign covered entity;
- (2) the name of any non-covered entity, other than a general partnership, that has filed with the office of the secretary of state, including a series of a limited liability company for which a certificate of designation has been filed;
- (3) any entity name reserved pursuant to K.S.A. 2018 Supp. 17-7923, and amendments thereto; and
- (4) the name of any other covered entity, series of a limited liability company or foreign covered entity whose public organic documents, certificate of designation or foreign registration has been canceled or forfeited for any reason within the previous one year.

(b) A covered entity may register under any name that is not distinguishable on the records of the office of the secretary of state from the name of any other covered entity or non-covered entity that has filed with the office of the secretary of state with the written consent of the other entity, which written consent shall be filed with the secretary of state.

(c) A covered entity may use a name that is not distinguishable from a name described in subsection (a)(1) through (3) if the entity delivers to the secretary of state a certified copy of a final judgment of a court of competent jurisdiction establishing the right of the entity to use the name in this state.

Sec. 47. On and after July 1, 2020, K.S.A. 2018 Supp. 17-7923 is hereby amended to read as follows: 17-7923. (a) The exclusive right to the use of an entity name or, as applicable, the name of a series of a limited liability company, may be reserved by:

- (1) Any person intending to organize a covered entity under the laws of this state;
- (2) any domestic limited liability company or any person intending to organize a domestic limited liability company, intending to file a certificate of designation to form a series of any such limited liability company;
- (3) any domestic covered entity intending to change its name or intending to change the name of a series for which a certificate of designation has been filed;
- ~~(3)~~(4) any foreign covered entity intending to make application for a certificate of authority to transact business in this state;
- ~~(4)~~(5) any foreign covered entity authorized to transact business in this state, and intending to change its name; and
- ~~(5)~~(6) any person intending to organize a foreign covered entity, and intending to have such entity make application for a certificate of authority to transact business in this state.

(b) The reservation shall be made by filing with the secretary of state an application to reserve a specific covered entity name or the name of a series of a domestic limited liability company, executed by the applicant. The reservation may be filed by telefacsimile communication as prescribed by K.S.A. 2018 Supp. 17-7914, and amendments thereto. If the secretary of state finds that the name is available, the secretary of state shall reserve the same for the exclusive use of the applicant for a period of 120 days.

(c) The right to exclusive use of a specified entity name or the name of a series of a domestic limited liability company, reserved pursuant to this section, may be transferred to any other person or covered entity by filing in the office of the secretary of state, a notice of such transfer, executed by the applicant for whom the name was reserved, and specifying the name and address of the transferee.

~~(d) This section shall take effect on and after January 1, 2015.~~

Sec. 48. K.S.A. 2018 Supp. 17-7929 is hereby amended to read as follows: 17-7929. (a) The resident agent of one or more covered entities may resign without appointing a successor by paying a fee if authorized by law, as provided by K.S.A. 2018 Supp. 17-7910, and amendments thereto, and filing a certificate of resignation, with the secretary of state stating that the resident agent resigns as resident agent for the covered entities identified in the certificate, but such resignation shall not become effective until 30 days after the certificate is filed. The certificate shall be executed by the resident agent, shall contain a statement that written notice of resignation was given to each affected covered entity at least 30 days prior to the filing of the certificate by mailing or delivering such notice to the covered entity at its address last known to the resident agent and shall set forth the date of such notice.

(b) After receipt of the notice of the resignation of its resident agent, provided for in subsection (a), any covered entity for which such resident agent was acting shall obtain and designate a new resident agent to take the place of the resident agent so

resigning. Such covered entity shall pay a fee if authorized by law, as provided by K.S.A. 2018 Supp. 17-7910, and amendments thereto, and file with the secretary of state a certificate setting forth the name and address of the successor resident agent. Upon such filing, the successor resident agent shall become the resident agent of such covered entity and the successor resident agent's address, as stated in such certificate, shall become the address of the covered entity's registered office in this state. If such covered entity fails to obtain and designate a new resident agent as aforesaid, prior to the expiration of the period of 60 days after the filing by the resident agent of the certificate of resignation, the secretary of state shall declare the entity's organizing documents forfeited.

(c) After the resignation of the resident agent shall have become effective, as provided in subsection (a), and if no new resident agent shall have been obtained and designated in the time and manner provided for in subsection (b), service of legal process against the covered entity, or in the case of a domestic or foreign limited liability company, any series of such limited liability company, for which the resigned resident agent had been acting shall thereafter be upon the secretary of state in the manner prescribed by K.S.A. 60-304, and amendments thereto.

(d) Any covered entity affected by the filing of a certificate under this section shall not be required to take any further action to amend its public organic documents to reflect a change of registered office or resident agent.

Sec. 49. On and after July 1, 2020, K.S.A. 2018 Supp. 17-7933 is hereby amended to read as follows: 17-7933. (a) Except as otherwise provided in subsection (b), the names of all foreign covered entities must be distinguishable on the records of the office of the secretary of state from:

- (1) The name of any covered entity or foreign covered entity;
- (2) the name of any non-covered entity, other than a general partnership, that has filed with the secretary of state, including a series of a limited liability company for which a certificate of designation has been filed;
- (3) any entity name reserved pursuant to K.S.A. 2018 Supp. 17-7923, and amendments thereto; and
- (4) the name of any other covered entity, series of a limited liability company or foreign covered entity whose public organic document, certificate of designation or foreign registration has been canceled or forfeited for any reason within the previous one year.

(b) A foreign covered entity may register under any name that is not distinguishable on the records of the office of the secretary of state from the name of any other covered entity or non-covered entity that has filed with the office of the secretary of state:

- (1) With the written consent of the other entity, which written consent shall be filed with the secretary of state; or
- (2) if the foreign covered entity indicates, as a means of identification and in its advertising within this state, the state in which the foreign covered entity was formed, and the application sets forth this condition.

Sec. 50. K.S.A. 2018 Supp. 60-304 is hereby amended to read as follows: 60-304. As used in this section, "serving" means making service by any of the methods described in K.S.A. 60-303, and amendments thereto, unless a specific method of making service is prescribed in this section. Except for service by publication under K.S.A. 60-307, and amendments thereto, service of process under this article must be

made as follows:

(a) *Individual*. On an individual other than a minor or a disabled person, by serving the individual or by serving an agent authorized by appointment or by law to receive service of process. If the agent is one designated by statute to receive service, such further notice as the statute requires must be given. Service by return receipt delivery must be addressed to an individual at the individual's dwelling or usual place of abode and to an authorized agent at the agent's usual or designated address. If the sheriff, party or party's attorney files a return of service stating that the return receipt delivery to the individual at the individual's dwelling or usual place of abode was refused or unclaimed and that a business address is known for the individual, the sheriff, party or party's attorney may complete service by return receipt delivery, addressed to the individual at the individual's business address.

(b) *Minor*: On a minor, by serving:

(1) The minor; and

(2) either:

(A) The minor's guardian or conservator, if the minor has one within this state;

(B) the minor's father, mother or other person having the minor's care or control or with whom the minor resides; or

(C) if service cannot be made as specified in paragraphs (A) or (B), as provided by order of the court.

Service by return receipt delivery must be addressed to an individual at the individual's dwelling or usual place of abode and to a corporate guardian or conservator at the guardian's or conservator's usual place of business.

(c) *Disabled person*. On a disabled person, as defined in K.S.A. 77-201, and amendments thereto, by:

(1) Serving:

(A) The person's guardian, conservator or a competent adult member of the person's family with whom the person resides;

(B) if the person resides in an institution, the director or chief executive officer of the institution; or

(C) if service cannot be made as specified in paragraphs (A) or (B), as provided by order of the court; and

(2) unless the court otherwise orders, serving the disabled person.

Service by return receipt delivery must be addressed to the director or chief executive officer of an institution at the institution, to any other individual at the individual's dwelling or usual place of abode, and to a corporate guardian or conservator at the guardian's or conservator's usual place of business.

(d) *Governmental bodies*. On:

(1) A county, by serving one of the county commissioners, the county clerk or the county treasurer;

(2) a township, by serving the clerk or a trustee;

(3) a city, by serving the clerk or the mayor;

(4) any other public corporation, body politic, district or authority, by serving the clerk or secretary or, if the clerk or secretary is not found, any officer, director or manager thereof; and

(5) the state or any governmental agency of the state, when subject to suit, by serving the attorney general or an assistant attorney general.

Service by return receipt delivery must be addressed to the appropriate official at the official's governmental office. Income withholding orders for support and orders of garnishment of earnings of state officers and employees must be served on the state or governmental agency of the state in the manner provided by K.S.A. 60-723, and amendments thereto.

(e) *Corporations, domestic or foreign limited liability companies, domestic or foreign limited partnerships, domestic or foreign limited liability partnerships and partnerships.* On a domestic or foreign corporation, domestic or foreign limited liability company, domestic or foreign limited partnership, domestic or foreign limited liability partnership or a partnership or other unincorporated association that is subject to suit in a common name, by:

- (1) Serving an officer, manager, partner or a resident, managing or general agent;
- (2) leaving a copy of the summons and petition or other document at any of its business offices with the person having charge thereof; or
- (3) serving any agent authorized by appointment or by law to receive service of process, and if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the defendant.

Service by return receipt delivery on an officer, partner or agent must be addressed to the person at the person's usual place of business.

(f) *Resident agent for a corporation, limited liability company, limited partnership or limited liability partnership.* A domestic corporation, domestic limited liability company or domestic limited partnership, and, if it is authorized to transact business or transacts business without authority in this state, a foreign corporation, foreign limited liability company or foreign limited partnership irrevocably authorizes the secretary of state as its agent to accept on its behalf service of process, or any notice or demand required or permitted by law to be served on it, when: (1) It fails to appoint or maintain in this state a resident agent on whom service may be had; or (2) its resident agent cannot with reasonable diligence be found at the registered office in this state. Service on the secretary of state of any process, notice or demand must be made by delivering to the secretary of state, by personal service or by return receipt delivery, the original and two copies of the process and two copies of the petition, notice or demand. When any process, notice or demand is served on the secretary of state, the secretary must promptly forward a copy of it by return receipt delivery, addressed to the corporation, limited liability company or limited partnership at its principal office as it appears in the records of the secretary of state, or at the registered or principal office of the corporation, limited liability company or limited partnership in the state of its incorporation or formation. The secretary of state must keep a record of all processes, notices and demands served on the secretary under this subsection, and must record the time of the service and the action taken by the secretary. A fee of \$40 must be paid to the secretary of state by the party requesting the service of process, to cover the cost of serving process, except the secretary of state may waive the fee for state agencies. The fee must not be included in or paid from any deposit as security for costs or the docket fee required by K.S.A. 60-2001 or 61-4001, and amendments thereto.

(g) *Insurance companies or associations.* Service of summons or other process on any insurance company or association, organized under the laws of this state, may also be made by serving the commissioner of insurance in the same manner as provided for service on foreign insurance companies or associations.

(h) *Service on an employee.* If a party or a party's agent or attorney files an affidavit or a declaration pursuant to K.S.A. 53-601, and amendments thereto, that to the best of the affiant's or declarant's knowledge and belief the person to be served is employed in this state, and is a nonresident or that the place of residence of the person is unknown, the affiant or declarant may request that the sheriff or other duly authorized person direct an officer, partner, managing or general agent or the individual having charge of the place at which the person to be served is employed, to make the person available to permit the sheriff or other duly authorized person to serve the summons or other process.

(i) *Service on a series of a limited liability company.* On a series established under a domestic or foreign limited liability company by service on such domestic or foreign limited liability company in the same manner as described in subsections (e) and (f), but if service is made on the resident, managing, general or other agent of the limited liability company upon which service may be made or the secretary of state on behalf of any such series, such service shall include the name of the limited liability company and the name of such series.

Sec. 51. On and after July 1, 2020, K.S.A. 2018 Supp. 84-1-201 is hereby amended to read as follows: 84-1-201. (a) Unless the context otherwise requires, words or phrases defined in this section, or in the additional definitions contained in other articles of the uniform commercial code that apply to particular articles or parts thereof, have the meanings stated.

(b) Subject to definitions contained in other articles of the uniform commercial code that apply to particular articles or parts thereof:

(1) "Action," in the sense of a judicial proceeding, includes recoupment, counterclaim, set-off, suit in equity, and any other proceeding in which rights are determined.

(2) "Aggrieved party" means a party entitled to pursue a remedy.

(3) "Agreement," as distinguished from "contract," means the bargain of the parties in fact, as found in their language or inferred from other circumstances, including course of performance, course of dealing, or usage of trade as provided in K.S.A. 2018 Supp. 84-1-303, and amendments thereto.

(4) "Bank" means a person engaged in the business of banking and includes a savings bank, savings and loan association, credit union, and trust company.

(5) "Bearer" means a person in control of a negotiable electronic document of title or a person in possession of a negotiable instrument, negotiable tangible document of title, or certificated security that is payable to bearer or indorsed in blank.

(6) "Bill of lading" means a document of title evidencing the receipt of goods for shipment issued by a person engaged in the business of directly or indirectly transporting or forwarding goods. The term does not include a warehouse receipt.

(7) "Branch" includes a separately incorporated foreign branch of a bank.

(8) "Burden of establishing" a fact means the burden of persuading the trier of fact that the existence of the fact is more probable than its nonexistence.

(9) "Buyer in ordinary course of business" means a person that buys goods in good faith, without knowledge that the sale violates the rights of another person in the goods, and in the ordinary course from a person, other than a pawnbroker, in the business of selling goods of that kind. A person buys goods in the ordinary course if the sale to the person comports with the usual or customary practices in the kind of business in which

the seller is engaged or with the seller's own usual or customary practices. A person that sells oil, gas, or other minerals at the wellhead or minehead is a person in the business of selling goods of that kind. A buyer in ordinary course of business may buy for cash, by exchange of other property, or on secured or unsecured credit, and may acquire goods or documents of title under a preexisting contract for sale. Only a buyer that takes possession of the goods or has a right to recover the goods from the seller under article 2 of chapter 84 of the Kansas Statutes Annotated, and amendments thereto, may be a buyer in ordinary course of business. "Buyer in ordinary course of business" does not include a person that acquires goods in a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(10) "Conspicuous," with reference to a term, means so written, displayed, or presented that a reasonable person against which it is to operate ought to have noticed it. Whether a term is "conspicuous" or not is a decision for the court. Conspicuous terms include the following:

(A) A heading in capitals equal to or greater in size than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same or lesser size; and

(B) language in the body of a record or display in larger type than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same size, or set off from surrounding text of the same size by symbols or other marks that call attention to the language.

(11) "Consumer" means an individual who enters into a transaction primarily for personal, family, or household purposes.

(12) "Contract," as distinguished from "agreement," means the total legal obligation that results from the parties' agreement as determined by the uniform commercial code as supplemented by any other applicable laws.

(13) "Creditor" includes a general creditor, a secured creditor, a lien creditor, and any representative of creditors, including an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver in equity, and an executor or administrator of an insolvent debtor's or assignor's estate.

(14) "Defendant" includes a person in the position of defendant in a counterclaim, cross-claim, or third-party claim.

(15) "Delivery," with respect to an electronic document of title means voluntary transfer of control and with respect to an instrument, a tangible document of title, or chattel paper, means voluntary transfer of possession.

(16) "Document of title" means a record (i) that in the regular course of business or financing is treated as adequately evidencing that the person in possession or control of the record is entitled to receive, control, hold, and dispose of the record and the goods the record covers and (ii) that purports to be issued by or addressed to a bailee and to cover goods in the bailee's possession which are either identified or are fungible portions of an identified mass. The term includes a bill of lading, transport document, dock warrant, dock receipt, warehouse receipt and order for delivery of goods. An electronic document of title means a document of title evidenced by a record consisting of information stored in an electronic medium. A tangible document of title means a document of title evidenced by a record consisting of information that is inscribed on a tangible medium.

(17) "Fault" means a default, breach, or wrongful act or omission.

(18) "Fungible goods" means:

(A) Goods of which any unit, by nature or usage of trade, is the equivalent of any other like unit; or

(B) goods that by agreement are treated as equivalent.

(19) "Genuine" means free of forgery or counterfeiting.

(20) "Good faith," except as otherwise provided in article 5 of chapter 84 of the Kansas Statutes Annotated, and amendments thereto, means honesty in fact and the observance of reasonable commercial standards of fair dealing.

(21) "Holder" means:

(A) The person in possession of a negotiable instrument that is payable either to bearer or to an identified person that is the person in possession; or

(B) the person in possession of a negotiable tangible document of title if the goods are deliverable either to bearer or to the order of the person in possession; or

(C) the person in control of a negotiable electronic document of title.

(22) "Insolvency proceeding" includes an assignment for the benefit of creditors or other proceeding intended to liquidate or rehabilitate the estate of the person involved.

(23) "Insolvent" means:

(A) Having generally ceased to pay debts in the ordinary course of business other than as a result of bona fide dispute;

(B) being unable to pay debts as they become due; or

(C) being insolvent within the meaning of federal bankruptcy law.

(24) "Money" means a medium of exchange currently authorized or adopted by a domestic or foreign government. The term includes a monetary unit of account established by an intergovernmental organization or by agreement between two or more countries.

(25) "Organization" means a person other than an individual.

(26) "Party," as distinguished from "third party," means a person that has engaged in a transaction or made an agreement subject to the uniform commercial code.

(27) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, public corporation, ~~or~~ any other legal or commercial entity, or any series of any of the foregoing.

(28) "Present value" means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain by use of either an interest rate specified by the parties if that rate is not manifestly unreasonable at the time the transaction is entered into or, if an interest rate is not so specified, a commercially reasonable rate that takes into account the facts and circumstances at the time the transaction is entered into.

(29) "Purchase" means taking by sale, lease, discount, negotiation, mortgage, pledge, lien, security interest, issue or reissue, gift, or any other voluntary transaction creating an interest in property.

(30) "Purchaser" means a person that takes by purchase.

(31) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(32) "Remedy" means any remedial right to which an aggrieved party is entitled with or without resort to a tribunal.

(33) "Representative" means a person empowered to act for another, including an agent, an officer of a corporation or association, and a trustee, executor, or administrator

of an estate.

(34) "Right" includes remedy.

(35) "Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation. "Security interest" includes any interest of a consignor and a buyer of accounts, chattel paper, a payment intangible, or a promissory note in a transaction that is subject to article 9 of chapter 84 of the Kansas Statutes Annotated, and amendments thereto. "Security interest" does not include the special property interest of a buyer of goods on identification of those goods to a contract for sale under K.S.A. 84-2-401 and amendments thereto, but a buyer may also acquire a "security interest" by complying with article 9 of chapter 84 of the Kansas Statutes Annotated, and amendments thereto. Except as otherwise provided in K.S.A. 84-2-505, and amendments thereto, the right of a seller or lessor of goods under article 2 or 2a of chapter 84 of the Kansas Statutes Annotated, and amendments thereto, to retain or acquire possession of the goods is not a "security interest," but a seller or lessor may also acquire a "security interest" by complying with article 9 of chapter 84 of the Kansas Statutes Annotated, and amendments thereto. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer under K.S.A. 84-2-401, and amendments thereto, is limited in effect to a reservation of a "security interest." Whether a transaction in the form of a lease creates a "security interest" is determined pursuant to K.S.A. 2018 Supp. 84-1-203, and amendments thereto.

(36) "Send" in connection with a writing, record, or notice means:

(A) To deposit in the mail or deliver for transmission by any other usual means of communication with postage or cost of transmission provided for and properly addressed and, in the case of an instrument, to an address specified thereon or otherwise agreed, or if there be none to any address reasonable under the circumstances; or

(B) in any other way to cause to be received any record or notice within the time it would have arrived if properly sent.

(37) "Signed" includes using any symbol executed or adopted with present intention to adopt or accept a writing.

(38) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(39) "Surety" includes a guarantor or other secondary obligor.

(40) "Term" means a portion of an agreement that relates to a particular matter.

(41) "Unauthorized signature" means a signature made without actual, implied, or apparent authority. The term includes a forgery.

(42) "Warehouse receipt" means a document of title issued by a person engaged in the business of storing goods for hire.

(43) "Writing" includes printing, typewriting, or any other intentional reduction to tangible form. "Written" has a corresponding meaning.

Sec. 52. On and after July 1, 2020, K.S.A. 2018 Supp. 84-9-102 is hereby amended to read as follows: 84-9-102. (a) **Article 9 definitions.** In this article:

(1) "Accession" means goods that are physically united with other goods in such a manner that the identity of the original goods is not lost.

(2) "Account," except as used in "account for," means a right to payment of a monetary obligation, whether or not earned by performance, (A) for property that has

been or is to be sold, leased, licensed, assigned, or otherwise disposed of, (B) for services rendered or to be rendered, (C) for a policy of insurance issued or to be issued, (D) for a secondary obligation incurred or to be incurred, (E) for energy provided or to be provided, (F) for the use or hire of a vessel under a charter or other contract, (G) arising out of the use of a credit or charge card or information contained on or for use with the card, or (H) as winnings in a lottery or other game of chance operated or sponsored by a state, governmental unit of a state, or person licensed or authorized to operate the game by a state or governmental unit of a state. The term includes health-care-insurance receivables. The term does not include: (A) Rights to payment evidenced by chattel paper or an instrument, (B) commercial tort claims, (C) deposit accounts, (D) investment property, (E) letter-of-credit rights or letters of credit, or (F) rights to payment for money or funds advanced or sold, other than rights arising out of the use of a credit or charge card or information contained on or for use with the card.

(3) "Account debtor" means a person obligated on an account, chattel paper, or general intangible. The term does not include persons obligated to pay a negotiable instrument, even if the instrument constitutes part of chattel paper.

(4) "Accounting," except as used in "accounting for," means a record:

(A) Authenticated by a secured party;

(B) indicating the aggregate unpaid secured obligations as of a date not more than 35 days earlier or 35 days later than the date of the record; and

(C) identifying the components of the obligations in reasonable detail.

(5) "Agricultural lien" means an interest, other than a security interest, in farm products: (A) Which secures payment or performance of an obligation for:

(i) Goods or services furnished in connection with a debtor's farming operation; or

(ii) rent on real property leased by a debtor in connection with its farming operation;

(B) which is created by statute in favor of a person that:

(i) In the ordinary course of its business furnished goods or services to a debtor in connection with a debtor's farming operation; or

(ii) leased real property to a debtor in connection with the debtor's farming operation; and

(C) whose effectiveness does not depend on the person's possession of the personal property. Agricultural liens shall not include statutory liens.

(6) "As-extracted collateral" means: (A) Oil, gas, or other minerals that are subject to a security interest that:

(i) Is created by a debtor having an interest in the minerals before extraction; and

(ii) attaches to the minerals as extracted; or

(B) accounts arising out of the sale at the wellhead or minehead of oil, gas, or other minerals in which the debtor had an interest before extraction.

(7) "Authenticate" means:

(A) To sign; or

(B) with present intent to adopt or accept a record, to attach to or logically associate with the record an electronic sound, symbol or process.

(8) "Bank" means an organization that is engaged in the business of banking. The term includes savings banks, savings and loan associations, credit unions, and trust companies.

(9) "Cash proceeds" means proceeds that are money, checks, deposit accounts, or

the like.

(10) "Certificate of title" means a certificate of title with respect to which a statute provides for the security interest in question to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral. The term includes another record maintained as an alternative to a certificate of title by the governmental unit that issues certificates of title if a statute permits the security interest in question to be indicated on the record as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral.

(11) "Chattel paper" means a record or records that evidence both a monetary obligation and a security interest in specific goods, a security interest in specific goods and software used in the goods, a security interest in specific goods and license of software used in the goods, a lease of specific goods, or a lease of specific goods and license of software used in the goods. In this subsection, "monetary obligation" means a monetary obligation secured by the goods or owed under a lease of the goods and includes a monetary obligation with respect to software used in the goods. The term does not include (i) charters or other contracts involving the use or hire of a vessel or (ii) records that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card. If a transaction is evidenced by records that include an instrument or series of instruments, the group of records taken together constitutes chattel paper.

(12) "Collateral" means the property subject to a security interest or agricultural lien. The term includes:

(A) Proceeds to which a security interest attaches;
 (B) accounts, chattel paper, payment intangibles, and promissory notes that have been sold; and

(C) goods that are the subject of a consignment.

(13) "Commercial tort claim" means a claim arising in tort with respect to which:

(A) The claimant is an organization; or

(B) the claimant is an individual and the claim:

(i) Arose in the course of the claimant's business or profession; and

(ii) does not include damages arising out of personal injury to or the death of an individual.

(14) "Commodity account" means an account maintained by a commodity intermediary in which a commodity contract is carried for a commodity customer.

(15) "Commodity contract" means a commodity futures contract, an option on a commodity futures contract, a commodity option, or another contract if the contract or option is:

(A) Traded on or subject to the rules of a board of trade that has been designated as a contract market for such a contract pursuant to federal commodities laws; or

(B) traded on a foreign commodity board of trade, exchange, or market, and is carried on the books of a commodity intermediary for a commodity customer.

(16) "Commodity customer" means a person for which a commodity intermediary carries a commodity contract on its books.

(17) "Commodity intermediary" means a person that:

(A) Is registered as a futures commission merchant under federal commodities law;

or

(B) in the ordinary course of its business provides clearance or settlement services for a board of trade that has been designated as a contract market pursuant to federal commodities law.

(18) "Communicate" means:

(A) To send a written or other tangible record;

(B) to transmit a record by any means agreed upon by the persons sending and receiving the record; or

(C) in the case of transmission of a record to or by a filing office, to transmit a record by any means prescribed by filing-office rule.

(19) "Consignee" means a merchant to which goods are delivered in a consignment.

(20) "Consignment" means a transaction, regardless of its form, in which a person delivers goods to a merchant for the purpose of sale and: (A) The merchant:

(i) Deals in goods of that kind under a name other than the name of the person making delivery;

(ii) is not an auctioneer; and

(iii) is not generally known by its creditors to be substantially engaged in selling the goods of others;

(B) with respect to each delivery, the aggregate value of the goods is \$1,000 or more at the time of delivery;

(C) the goods are not consumer goods immediately before delivery; and

(D) the transaction does not create a security interest that secures an obligation.

(21) "Consignor" means a person that delivers goods to a consignee in a consignment.

(22) "Consumer debtor" means a debtor in a consumer transaction.

(23) "Consumer goods" means goods that are used or bought for use primarily for personal, family, or household purposes.

(24) "Consumer-goods transaction" means a consumer transaction in which:

(A) An individual incurs an obligation primarily for personal, family, or household purposes; and

(B) a security interest in consumer goods secures the obligation.

(25) "Consumer obligor" means an obligor who is an individual and who incurred the obligation as part of a transaction entered into primarily for personal, family, or household purposes.

(26) "Consumer transaction" means a transaction in which (i) an individual incurs an obligation primarily for personal, family, or household purposes, (ii) a security interest secures the obligation, and (iii) the collateral is held or acquired primarily for personal, family, or household purposes. The term includes consumer-goods transactions.

(27) "Continuation statement" means an amendment of a financing statement which:

(A) Identifies, by its file number, the initial financing statement to which it relates; and

(B) indicates that it is a continuation statement for, or that it is filed to continue the effectiveness of, the identified financing statement.

(28) "Debtor" means:

(A) A person having an interest, other than a security interest or other lien, in the collateral, whether or not the person is an obligor;

- (B) a seller of accounts, chattel paper, payment intangibles, or promissory notes; or
 (C) a consignee.
- (29) "Deposit account" means a demand, time, savings, passbook, or similar account maintained with a bank. The term does not include investment property or accounts evidenced by an instrument.
- (30) "Document" means a document of title or a receipt of the type described in ~~subsection (b)~~ of K.S.A. 84-7-201(b), and amendments thereto.
- (31) "Electronic chattel paper" means chattel paper evidenced by a record or records consisting of information stored in an electronic medium.
- (32) "Encumbrance" means a right, other than an ownership interest, in real property. The term includes mortgages and other liens on real property.
- (33) "Equipment" means goods other than inventory, farm products, or consumer goods.
- (34) "Farm products" means goods, other than standing timber, with respect to which the debtor is engaged in a farming operation and which are: (A) Crops grown, growing, or to be grown, including:
 (i) Crops produced on trees, vines, and bushes; and
 (ii) aquatic goods produced in aquacultural operations;
 (B) livestock, born or unborn, including aquatic goods produced in aquacultural operations;
 (C) supplies used or produced in a farming operation; or
 (D) products of crops or livestock in their unmanufactured states.
- (35) "Farming operation" means raising, cultivating, propagating, fattening, grazing, or any other farming, livestock, or aquacultural operation.
- (36) "File number" means the number assigned to an initial financing statement pursuant to ~~subsection (a)~~ of K.S.A. 2018 Supp. 84-9-519(a), and amendments thereto.
- (37) "Filing office" means an office designated in K.S.A. 2018 Supp. 84-9-501, and amendments thereto, as the place to file a financing statement.
- (38) "Filing-office rule" means a rule adopted pursuant to K.S.A. 2018 Supp. 84-9-526, and amendments thereto.
- (39) "Financing statement" means a record or records composed of an initial financing statement and any filed record relating to the initial financing statement.
- (40) "Fixture filing" means the filing of a financing statement covering goods that are or are to become fixtures and satisfying ~~subsections (a) and (b)~~ of K.S.A. 2018 Supp. 84-9-502(a) and (b), and amendments thereto. The term includes the filing of a financing statement covering goods of a transmitting utility which are or are to become fixtures.
- (41) "Fixtures" means goods that have become so related to particular real property that an interest in them arises under real property law.
- (42) "General intangible" means any personal property, including things in action, other than accounts, chattel paper, commercial tort claims, deposit accounts, documents, goods, instruments, investment property, letter-of-credit rights, letters of credit, money, and oil, gas, or other minerals before extraction. The term includes payment intangibles and software.
- (43) Reserved.
- (44) "Goods" means all things that are movable when a security interest attaches. The term includes (A) fixtures, (B) standing timber that is to be cut and removed under

a conveyance or contract for sale, (C) the unborn young of animals, (D) crops grown, growing, or to be grown, even if the crops are produced on trees, vines, or bushes, and (E) manufactured homes. The term also includes a computer program embedded in goods and any supporting information provided in connection with a transaction relating to the program if (A) the program is associated with the goods in such a manner that it customarily is considered part of the goods, or (B) by becoming the owner of the goods, a person acquires a right to use the program in connection with the goods. The term does not include a computer program embedded in goods that consist solely of the medium in which the program is embedded. The term also does not include accounts, chattel paper, commercial tort claims, deposit accounts, documents, general intangibles, instruments, investment property, letter-of-credit rights, letters of credit, money, or oil, gas, or other minerals before extraction.

(45) "Governmental unit" means a subdivision, agency, department, county, parish, municipality, or other unit of the government of the United States, a state, or a foreign country. The term includes an organization having a separate corporate existence if the organization is eligible to issue debt on which interest is exempt from income taxation under the laws of the United States.

(46) "Health-care-insurance receivable" means an interest in or claim under a policy of insurance which is a right to payment of a monetary obligation for health-care goods or services provided.

(47) "Instrument" means a negotiable instrument, a writing that would otherwise qualify as a certificate of deposit as defined by K.S.A. 84-3-104(j), and amendments thereto, but for the fact that the writing contains a limitation on transfer, or any other writing that evidences a right to the payment of a monetary obligation, is not itself a security agreement or lease, and is of a type that in ordinary course of business is transferred by delivery with any necessary indorsement or assignment. The term does not include (i) investment property, (ii) letters of credit, or (iii) writings that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card.

(48) "Inventory" means goods, other than farm products, which:

- (A) Are leased by a person as lessor;
- (B) are held by a person for sale or lease or to be furnished under a contract of service;
- (C) are furnished by a person under a contract of service; or
- (D) consist of raw materials, work in process, or materials used or consumed in a business.

(49) "Investment property" means a security, whether certificated or uncertificated, security entitlement, securities account, commodity contract, or commodity account.

(50) "Jurisdiction of organization," with respect to a registered organization, means the jurisdiction under whose law the organization is formed or organized.

(51) "Letter-of-credit right" means a right to payment or performance under a letter of credit, whether or not the beneficiary has demanded or is at the time entitled to demand payment or performance. The term does not include the right of a beneficiary to demand payment or performance under a letter of credit.

(52) "Lien creditor" means:

- (A) A creditor that has acquired a lien on the property involved by attachment, levy, or the like;

- (B) an assignee for benefit of creditors from the time of assignment;
- (C) a trustee in bankruptcy from the date of the filing of the petition; or
- (D) a receiver in equity from the time of appointment.

(53) "Manufactured home" means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The term includes any structure that meets all of the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States secretary of housing and urban development and complies with the standards established under title 42 of the United States code.

(54) "Manufactured-home transaction" means a secured transaction:

- (A) That creates a purchase-money security interest in a manufactured home, other than a manufactured home held as inventory; or
- (B) in which a manufactured home, other than a manufactured home held as inventory, is the primary collateral.

(55) "Mortgage" means a consensual interest in real property, including fixtures, which secures payment or performance of an obligation.

(56) "New debtor" means a person that becomes bound as a debtor under K.S.A. 2018 Supp. 84-9-203(d), and amendments thereto, by a security agreement previously entered into by another person.

(57) "New value" means (A) money, (B) money's worth in property, services, or new credit, or (C) release by a transferee of an interest in property previously transferred to the transferee. The term does not include an obligation substituted for another obligation.

(58) "Noncash proceeds" means proceeds other than cash proceeds.

(59) "Obligor" means a person that, with respect to an obligation secured by a security interest in or an agricultural lien on the collateral, (A) owes payment or other performance of the obligation, (B) has provided property other than the collateral to secure payment or other performance of the obligation, or (C) is otherwise accountable in whole or in part for payment or other performance of the obligation. The term does not include issuers or nominated persons under a letter of credit.

(60) "Original debtor" except as used in K.S.A. 2018 Supp. 84-9-310(c), and amendments thereto, means a person that, as debtor, entered into a security agreement to which a new debtor has become bound under K.S.A. 2018 Supp. 84-9-203(d), and amendments thereto.

(61) "Payment intangible" means a general intangible under which the account debtor's principal obligation is a monetary obligation.

(62) "Person related to," with respect to an individual, means:

- (A) The spouse of the individual;
- (B) a brother, brother-in-law, sister or sister-in-law of the individual;
- (C) an ancestor or lineal descendant of the individual or the individual's spouse; or
- (D) any other relative, by blood or marriage, of the individual or the individual's spouse who shares the same home with the individual.

(63) "Person related to," with respect to an organization, means:

(A) A person directly or indirectly controlling, controlled by or under common control with the organization;

(B) an officer or director of, or a person performing similar functions with respect to, the organization;

(C) an officer or director of, or a person performing similar functions with respect to, a person described in subparagraph (A);

(D) the spouse of an individual described in subparagraph (A), (B) or (C); or

(E) an individual who is related by blood or marriage to an individual described in subparagraph (A), (B), (C) or (D) and shares the same home with the individual.

(64) "Proceeds" except as used in K.S.A. 2018 Supp. 84-9-609(b), and amendments thereto, means the following property:

(A) Whatever is acquired upon the sale, lease, license, exchange or other disposition of collateral;

(B) whatever is collected on, or distributed on account of, collateral;

(C) rights arising out of collateral;

(D) to the extent of the value of collateral, claims arising out of the loss, nonconformity, or interference with the use of, defects or infringement of rights in, or damage to, the collateral; or

(E) to the extent of the value of collateral and to the extent payable to the debtor or the secured party, insurance payable by reason of the loss or nonconformity of, defects or infringement of rights in, or damage to, the collateral.

(65) "Promissory note" means an instrument that evidences a promise to pay a monetary obligation, does not evidence an order to pay, and does not contain an acknowledgment by a bank that the bank has received for deposit a sum of money or funds.

(66) "Proposal" means a record authenticated by a secured party which includes the terms on which the secured party is willing to accept collateral in full or partial satisfaction of the obligation it secures pursuant to K.S.A. 2018 Supp. 84-9-620, 84-9-621 and 84-9-622, and amendments thereto.

(67) "Public organic record" means a record that is available to the public for inspection and is:

(A) A record consisting of the record initially filed with or issued by a state or the United States to form or organize an organization and any record filed with or issued by the state or the United States which amends or restates the initial record;

(B) an organic record of a business trust consisting of the record initially filed with a state and any record filed with the state which amends or restates the initial record, if a statute of the state governing business trusts requires that the record be filed with the state; or

(C) a record consisting of legislation enacted by the legislature of a state or the congress of the United States which forms or organizes an organization, any record amending the legislation and any record filed with or issued by the state or the United States which amends or restates the name of the organization.

(68) "Pursuant to commitment," with respect to an advance made or other value given by a secured party, means pursuant to the secured party's obligation, whether or not a subsequent event of default or other event not within the secured party's control has relieved or may relieve the secured party from its obligation.

(69) "Record," except as used in "for record," "of record," "record or legal title,"

and "record owner," means information that is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.

(70) "Registered organization" means an organization formed or organized solely under the law of a single state or the United States by the filing of a public organic record with, the issuance of a public organic record by, or the enactment of legislation by, the state or the United States. The term includes a business trust that is formed or organized under the law of a single state if a law of the state governing business trusts requires that the business trust's organic record be filed with the state. The term also includes a series of a registered organization if the series is an organization formed or organized under the law of a single state and the statute of the state governing the series requires that the public organic record of the series be filed with the state.

(71) "Secondary obligor" means an obligor to the extent that:

- (A) The obligor's obligation is secondary; or
- (B) the obligor has a right of recourse with respect to an obligation secured by collateral against the debtor, another obligor, or property of either.

(72) "Secured party" means:

- (A) A person in whose favor a security interest is created or provided for under a security agreement, whether or not any obligation to be secured is outstanding;
- (B) a person that holds an agricultural lien;
- (C) a consignor;
- (D) a person to which accounts, chattel paper, payment intangibles, or promissory notes have been sold;
- (E) a trustee, indenture trustee, agent, collateral agent, or other representative in whose favor a security interest or agricultural lien is created or provided for; or
- (F) a person that holds a security interest arising under K.S.A. 84-2-401, 84-2-505, 84-2-711(3), 84-2a-508(5), 84-4-210 and 84-5-118, and amendments thereto.

(73) "Security agreement" means an agreement that creates or provides for a security interest.

(74) "Send," in connection with a record or notification, means:

- (A) To deposit in the mail, deliver for transmission, or transmit by any other usual means of communication, with postage or cost of transmission provided for, addressed to any address reasonable under the circumstances; or
- (B) to cause the record or notification to be received within the time that it would have been received if properly sent under subparagraph (A).

(75) "Software" means a computer program and any supporting information provided in connection with a transaction relating to the program. The term does not include a computer program that is included in the definition of goods.

(76) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.

(77) "Statutory lien" means liens created by K.S.A. 2-1319, 2-2608, 2-3007, 34-239, 47-836, 58-201, 58-203, 58-204, 58-207, 58-218, 58-220, 58-221, 58-241, 58-242, 58-2524, 58-2525, 58-2526, 58-2527 and 58-2528, and K.S.A. 2018 Supp. 84-7-209, and amendments thereto.

(78) "Supporting obligation" means a letter-of-credit right or secondary obligation that supports the payment or performance of an account, chattel paper, a document, a general intangible, an instrument, or investment property.

(79) "Tangible chattel paper" means chattel paper evidenced by a record or records consisting of information that is inscribed on a tangible medium.

(80) "Termination statement" means an amendment of a financing statement which:

(A) Identifies, by its file number, the initial financing statement to which it relates; and

(B) indicates either that it is a termination statement or that the identified financing statement is no longer effective.

(81) "Transmitting utility" means a person primarily engaged in the business of:

(A) Operating a railroad, subway, street railway, or trolley bus;

(B) transmitting communications electrically, electromagnetically, or by light;

(C) transmitting goods by pipeline or sewer; or

(D) transmitting or producing and transmitting electricity, steam, gas, or water.

(b) **Definitions in other articles.** The following definitions in other articles apply to this article:

"Applicant" K.S.A. 84-5-102,
and amendments thereto

"Beneficiary" K.S.A. 84-5-102,
and amendments thereto

"Broker" K.S.A. 84-8-102,
and amendments thereto

"Certificated security" K.S.A. 84-8-102,
and amendments thereto

"Check" K.S.A. 84-3-104,
and amendments thereto

"Clearing corporation" K.S.A. 84-8-102,
and amendments thereto

"Contract for sale" K.S.A. 84-2-106,
and amendments thereto

"Customer" K.S.A. 84-4-104,
and amendments thereto

"Entitlement holder" K.S.A. 84-8-102,
and amendments thereto

"Financial asset"	K.S.A. 84-8-102, and amendments thereto
"Holder in due course"	K.S.A. 84-3-302, and amendments thereto
"Issuer" (with respect to a letter of credit or letter-of-credit right)	K.S.A. 84-5-102, and amendments thereto
"Issuer" (with respect to a security)	K.S.A. 84-8-102, and amendments thereto
"Issuer" (with respect to documents of title)	K.S.A. 2018 Supp. 84-7-102, and amendments thereto
"Lease"	K.S.A. 84-2a-103, and amendments thereto
"Lease agreement"	K.S.A. 84-2a-103, and amendments thereto
"Lease contract"	K.S.A. 84-2a-103, and amendments thereto
"Leasehold interest"	K.S.A. 84-2a-103, and amendments thereto
"Lessee"	K.S.A. 84-2a-103, and amendments thereto
"Lessee in ordinary course of business"	K.S.A. 84-2a-103, and amendments thereto

"Lessor"	K.S.A. 84-2a-103, and amendments thereto
"Lessor's residual interest"	K.S.A. 84-2a-103, and amendments thereto
"Letter of credit"	K.S.A. 84-5-102, and amendments thereto
"Merchant"	K.S.A. 84-2-104, and amendments thereto
"Negotiable instrument"	K.S.A. 84-3-104, and amendments thereto
"Nominated person"	K.S.A. 84-5-102, and amendments thereto
"Note"	K.S.A. 84-3-104, and amendments thereto
"Proceeds of a letter of credit"	K.S.A. 84-5-114, and amendments thereto
"Prove"	K.S.A. 84-3-103, and amendments thereto
"Sale"	K.S.A. 84-2-106, and amendments thereto
"Securities account"	K.S.A. 84-8-501, and amendments thereto
"Securities intermediary"	K.S.A. 84-8-102, and amendments thereto
"Security"	K.S.A. 84-8-102, and amendments thereto
"Security certificate"	K.S.A. 84-8-102, and amendments thereto

"Security entitlement"

K.S.A. 84-8-102,
and amendments thereto

"Uncertificated security"

K.S.A. 84-8-102,
and amendments thereto

(c) **Article 1 of chapter 84 of the Kansas Statutes Annotated, and amendments thereto, definitions and principles.** Article 1 of chapter 84 of the Kansas Statutes Annotated, and amendments thereto, contains general definitions and principles of construction and interpretation applicable throughout this article.

Sec. 53. K.S.A. 2018 Supp. 17-1762 is hereby amended to read as follows: 17-1762. The following persons shall not be required to register with the secretary of state:

(a) State educational institutions under the control and supervision of the state board of regents, unified school districts, educational interlocals, educational cooperatives, area vocational-technical schools, all educational institutions that are accredited by a regional accrediting association or by an organization affiliated with the national commission of accrediting, any foundation having an established identity with any of the aforementioned educational institutions, any other educational institution confining its solicitation of contributions to the student body, alumni, faculty and trustees of such institution, and their families, or a library established under the laws of this state, provided that the annual financial report of such institution or library shall be filed with the attorney general;

(b) fraternal, patriotic, social, educational, alumni organizations and historical societies when solicitation of contributions is confined to their membership. This exemption shall be extended to any subsidiary of a parent or superior organization exempted by this subsection where such solicitation is confined to the membership of the subsidiary, parent or superior organization;

(c) persons requesting any contributions for the relief or benefit of any individual, specified by name at the time of the solicitation, if the contributions collected are turned over to the named beneficiary, first deducting reasonable expenses for costs of banquets, or social gatherings, if any, provided all fund raising functions are carried on by persons who are unpaid, directly or indirectly, for such services;

(d) any charitable organization which does not intend to solicit and receive and does not actually receive contributions in excess of \$10,000 during such organization's tax period, as defined by K.S.A. 17-7501, and amendments thereto, if all of such organization's fund-raising functions are carried on by persons who are unpaid for such services. However, if the gross contributions received by such charitable organization during any such tax period is in excess of \$10,000, such organization, within 30 days after the end of such tax period, shall register with the secretary of state as provided in K.S.A. 17-1763, and amendments thereto;

(e) any incorporated community chest, united fund, united way or any charitable organization receiving an allocation from an incorporated community chest, united fund or united way;

(f) a bona fide organization of volunteer firemen, or a bona fide auxiliary or affiliate of such organization, if all fund-raising activities are carried on by members of such organization or an affiliate thereof and such members receive no compensation, directly or indirectly, therefor;

(g) any charitable organization operating a nursery for infants awaiting adoption if all fund-raising activities are carried on by members of such an organization or an affiliate thereof and such members receive no compensation, directly or indirectly, therefor;

(h) any corporation established by the federal congress that is required by federal law to submit annual reports of such corporation's activities to congress containing itemized accounts of all receipts and expenditures after being duly audited by the department of defense or other federal department;

(i) any girls' club which is affiliated with the girls' club of America, a corporation chartered by congress, if such an affiliate properly files the reports required by the girls' club of America and that the girls' club of America files with the government of the United States the reports required by such federal charter;

(j) any boys' club which is affiliated with the boys' club of America, a corporation chartered by congress, if such an affiliate properly files the reports required by the boys' club of America and that the boys' club of America files with the government of the United States the reports required by such federal charter;

(k) any corporation, trust or organization incorporated or established for religious purposes, or established for charitable, hospital or educational purposes and engaged in effectuating one or more of such purposes, that is affiliated with, operated by or supervised or controlled by a corporation, trust or organization incorporated or established for religious purposes, or to any other religious agency or organization which serves religion by the preservation of religious rights and freedom from persecution or prejudice or by fostering religion, including the moral and ethical aspects of a particular religious faith;

(l) the boy scouts of America and the girl scouts of America, including any regional or local organization affiliated therewith;

(m) the young men's christian association and the young women's christian association, including any regional or local organization affiliated therewith;

(n) any licensed medical care facility which is organized as a nonprofit corporation under the laws of this state;

(o) any licensed community mental health center or licensed mental health clinic;

(p) any licensed community center for people with intellectual disability and its affiliates as determined by the Kansas department for aging and disability services;

(q) any charitable organization of employees of a corporation whose principal gifts are made to an incorporated community chest, united fund or united way, and whose solicitation is limited to such employees;

(r) any community foundation or community trust to which deductible contributions can be made by individuals, corporations, public charities and private foundations, as well as other charitable organizations and governmental agencies for the overall purposes of the foundation or to particular charitable and endowment funds established under agreement with the foundation or trust for the charitable benefit of the people of a specific geographic area and which is a nonprofit organization exempt from federal income taxation pursuant to section 501(a) of the internal revenue code of 1986, as in effect on the effective date of this act, by reason of qualification under section 501(c)(3) of the internal revenue code of 1986, as in effect on the effective date of this act, and which is deemed a publicly supported organization and not a private foundation within the meaning of section 509(a)(1) of the internal revenue code of 1986, as in effect on the effective date of this act;

(s) any charitable organization which does not intend to or does not actually solicit or receive contributions from more than 100 persons;

(t) any charitable organization the funds of which are used to support an activity of a municipality of this state; ~~and~~

(u) the junior league, including any local community organization affiliated therewith; and

(v) any charitable organization that is an animal shelter licensed pursuant to K.S.A. 47-1701 et seq., and amendments thereto.

Sec. 54. K.S.A. 17-76,135, and 17-76,138 and K.S.A. 2018 Supp. 17-1762, 17-7662, 17-7663, 17-7673, 17-7675, 17-7679, 17-7680, 17-7681, 17-7687, 17-7689, 17-7690, 17-7695, 17-7698, 17-76,106, 17-76,112, 17-76,113, 17-76,114, 17-76,116, 17-76,118, 17-76,136, 17-76,145, 17-7904, 17-7915, 17-7916, 17-7929 and 60-304 are hereby repealed.

Sec. 55. On and after July 1, 2020, K.S.A. 2018 Supp. 17-7675, as amended by section 16 of this act, 17-7679, as amended by section 18 of this act, 17-7680, as amended by section 20 of this act, 17-76,136, as amended by section 35 of this act, 17-76,139, 17-76,143, 17-76,146, 17-7904, as amended by section 42 of this act, 17-7918, 17-7923, 17-7933, 84-1-201 and 84-9-102 are hereby repealed.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, by striking "recognition of tribal court judgments" and inserting "business entities; relating to charitable organizations; exemption from registration; animal shelters; limited liability companies; Kansas revised limited liability company act; business entity standard treatment act; amending K.S.A. 17-76,135 and 17-76,138 and K.S.A. 2018 Supp. 17-1762, 17-7662, 17-7663, 17-7673, 17-7675, 17-7675, as amended by section 16 of this act, 17-7679, 17-7679, as amended by section 18 of this act, 17-7680, 17-7680, as amended by section 20 of this act, 17-7681, 17-7687, 17-7689, 17-7690, 17-7695, 17-7698, 17-76,106, 17-76,112, 17-76,113, 17-76,114, 17-76,116, 17-76,118, 17-76,136, 17-76,136, as amended by section 35 of this act, 17-76,139, 17-76,143, 17-76,145, 17-76,146, 17-7904, 17-7904, as amended by section 42 of this act, 17-7915, 17-7916, 17-7918, 17-7923, 17-7929, 17-7933, 60-304, 84-1-201 and 84-9-102 and repealing the existing sections";

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

RICHARD WILBORN

ERIC RUCKER

VIC MILLER

Conferees on part of Senate

FRED PATTON

BRAD RALPH

JOHN CARMICHAEL

Conferees on part of House

Senator Wilborn moved the Senate adopt the Conference Committee Report on **HB 2039**.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Wagle, Ware, Wilborn.

Nays: Tyson.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MADAM PRESIDENT: Your committee on conference on Senate amendments to **HB 2087** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, by striking all in lines 6 through 34;

On page 2, by striking all in lines 1 through 27; following line 27, by inserting:

"Section 1. K.S.A. 2018 Supp. 79-3401 is hereby amended to read as follows: 79-3401. This act, ~~and amendments thereto~~, shall be known and may be cited as the "motor-fuel tax law," and as so constituted is hereinafter referred to as "this act." The following words, terms and phrases, when used in this act, shall have the meanings ascribed to them in this section, except in those instances clearly indicating a different meaning:

- (a) "Aviation fuel" means motor fuels for use as fuel for aircraft;
- (b) "agricultural ethyl alcohol" means a motor-vehicle fuel component with a purity of at least 99%, exclusive of any added denaturants, denatured in conformity with one of the methods approved by the United States department of the treasury, bureau of alcohol, tobacco and firearms, and distilled in the United States of America from grain produced in the United States of America;
- (c) "bulk plant" means a motor fuels storage facility, other than a terminal, that is primarily used to redistribute motor fuels;
- (d) "dealer" means any person engaged in the retail sale of motor-vehicle fuels or special fuels;
- (e) "director" means the director of taxation, a duly authorized deputy, agent or representative;
- (f) "distributor" means any person, who:
 - (1) Imports or causes to be imported from any other state or territory of the United States motor-vehicle fuels or special fuels for such person's own use in the state of Kansas, or for sale and delivery therein, after the same shall have come to rest or storage therein, whether or not in the original package, receptacle or container; or
 - (2) imports or causes to be imported, from a foreign country, motor-vehicle fuels or special fuels for such person's own use in the state of Kansas, or for sale and delivery therein, after the same shall have come to rest or storage, whether or not in the original package, receptacle or container;
 - (3) purchases or receives motor-vehicle fuels or special fuels in the original package, receptacle or container in the state of Kansas for such person's own use therein, or for sale and delivery therein, from any person who has imported the same from any other state or territory of the United States, or any other nation, in case such motor-vehicle fuels or special fuels have not, prior to such purchase or receipt, come to rest or storage in the state of Kansas; or
 - (4) received and, in any manner, uses, sells or delivers motor-vehicle fuels or special fuels in the state of Kansas on which the tax provided for in this act has not been previously paid;
- (g) "exporter" means any person who exports or causes to be exported motor vehicle fuels or special fuels from Kansas to any other state or territory of the United States or to a foreign country, for such person's own use or for sale or delivery therein, whether or not in the original package, receptacle or container;

(h) "importer" means any person who imports or causes to be imported motor-vehicle fuels or special fuels from any other state or territory of the United States or from a foreign country, for such person's own use in the state of Kansas or for sale or delivery therein, whether or not in the original package, receptacle or container;

(i) "liquid fuels" or "motor fuels" means any inflammable liquid by whatever name such liquid shall be known or sold, ~~which that~~ is used, or practically or commercially usable, either alone or when mixed or combined in an internal-combustion engine for the generation of power;

(j) "manufacturer" or "refiner" means any person ~~who or which that~~ produces, refines, prepares, blends, distills, manufactures or compounds motor-vehicle fuels or special fuels in the state of Kansas for such person's own use therein, or for sale or delivery therein. The term "manufacturer" shall not include any person ~~who or which that~~ mechanically separates liquids from natural gas at production facilities or gathering system pipelines on the lease. No person who produces, refines, prepares, blends, distills, manufactures, or compounds motor-vehicle fuels or special fuels shall be required to render a distributor's (manufacturer's) report as to any particular lot or lots of motor-vehicle fuels or special fuels until such motor-vehicle fuels or special fuels have been loaded at a refinery or other place of production into tank cars, or placed in any tank at such refinery or other place of production from which any withdrawals are made direct into tanks, tank wagons or other types of transportation equipment, containers or facilities;

(k) "motor vehicle" means a motor vehicle as defined by K.S.A. 8-126, and amendments thereto, ~~and which that~~ is required to be registered pursuant to K.S.A. 8-126 et seq., and amendments thereto;

(l) "motor-vehicle fuels" means gasoline, casinghead gasoline, natural gasoline, drip gasoline, aviation gasoline, gasohol, gasoline-oxygenate blend and any other spark-ignition motor fuel as defined by the 1995 United States department of commerce, national institute of standards and technology handbook 130 issued December of 1994, and as may subsequently be defined in rules and regulations ~~which that~~ the director may adopt pursuant to K.S.A. 79-3419, and amendments thereto;

(m) "oil inspector" means the director of taxation, a duly authorized deputy, agent or representative;

(n) "person" means every natural person, association, partnership, limited partnership, limited liability company or corporation. When used in any statute, prescribing and imposing a fine or imprisonment, or both, the term "person" as applied to firms and associations means the partners or members thereof and, as applied to corporations, the corporation and the officers thereof;

(o) "public highways" means and includes every way or place, of whatever nature, generally open to the use of the public as a matter of right, for the purposes of vehicular travel and notwithstanding that the same shall have been temporarily closed for the purpose of construction, reconstruction or repair;

(p) "received" means motor-vehicle fuel or special fuel produced, refined, prepared, distilled, manufactured, blended or compounded at any refinery or other place, in the state of Kansas by any person, or imported into this state from any other state, territory, or foreign country by pipeline or connecting pipeline at a pipeline terminal or pipeline tank farm for storage, shall be deemed to be "received" by such person thereat when the same shall have been loaded at such refinery, pipeline terminal, pipeline tank farm or other place, into tank cars, tank trucks or other container, or placed in any tank from which any withdrawals are made direct into tank cars, tank trucks or other types of transportation equipment, containers or facilities;

(q) "retailer" means a person that engages in the business of selling or distributing motor fuels to the end user;

(r) "school bus" means every ~~bus, as defined by K.S.A. 8-1406, and amendments thereto, which motor vehicle~~ that is: (1) Privately owned and contracted for, leased or hired by a school district or nonpublic school for the transportation of pupils; ~~or students or school personnel~~ to or from school or to or from school-related functions or activities; or (2) owned and operated by a school district or nonpublic school ~~which that~~ is registered under the provisions of K.S.A. 8-126 et seq., and amendments thereto, ~~used for the transportation of pupils; or students or school personnel~~ to or from school or to or from school-related functions or activities;

(s) "special fuels" means all combustible liquids suitable for the generation of power for the propulsion of motor vehicles including, but not limited to, diesel fuel, alcohol and such fuels not defined under the motor-vehicle fuels definition, hereinafter referred to as motor-vehicle fuel;

(t) "terminal" means a fuel storage and distribution facility that is supplied by motor vehicle, pipeline or marine vessel, and from which motor fuels may be removed at a rack. "Terminal" does not include any facility at which motor fuel blend stocks and additives are used in the manufacture of products other than motor fuels and from which no motor fuels are removed;

(u) "terminal operator" means the person who by ownership or contractual agreement is charged with the responsibility for, or physical control over, and operation of a terminal;

(v) "transporter" means a person who has been issued a liquid-fuels carrier's license pursuant to K.S.A. 55-506 et seq., and amendments thereto; and

(w) "E85 fuels" means an alternative fuel that is a blend of denatured ethanol and hydrocarbon that typically contains 85% ethanol by volume, but at a minimum must contain 70% ethanol by volume, and complies with ASTM specification D5798-99.;

Also on page 2, in line 28, by striking "8-1749a" and inserting "79-3401";

On page 1, in the title, in line 1, by striking all after "concerning"; in line 2, by striking all before the semicolon and inserting "the motor-fuel tax law; relating to the definition of school bus"; also in line 2, by striking "8-"; in line 3, by striking "1749a" and inserting "79-3401";

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

MIKE PETERSEN

DAN GODDARD

PAT PETTEY

Conferees on part of Senate

RICHARD PROEHL

JACK THIMESCH

HENRY HELGERSON

Conferees on part of House

Senator Petersen moved the Senate adopt the Conference Committee Report on **HB 2087**.

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Rucker, Skubal, Suellentrop, Sykes, Taylor, Wagle, Ware, Wilborn.

Nays: Hilderbrand, Pyle, Tyson.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MADAM PRESIDENT: Your committee on conference on Senate amendments to **HB 2126** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, by striking all in lines 6 through 34;

By striking all on pages 2 through 18;

On page 19, by striking all in lines 1 through 27; following line 27, by inserting:

"Section 1. K.S.A. 74-2012 is hereby amended to read as follows: 74-2012. (a) (1) All motor vehicle records shall be subject to the provisions of the open records act, except as otherwise provided under the provisions of this section and by K.S.A. 65-2422d and 74-2022, and amendments thereto.

(2) Nothing in this section shall prevent the transmittal of motor vehicle records for the purpose of processing voter registration applications.

(3) For the purpose of this section, "motor vehicle records" means any record that pertains to a motor vehicle drivers' license, motor vehicle certificate of title, motor vehicle registration or identification card issued by the division of vehicles.

(b) All motor vehicle records which relate to the physical or mental condition of any person, have been expunged or are photographs or digital images maintained in connection with the issuance of drivers' licenses shall be confidential and shall not be

disclosed except in accordance with a proper judicial order or as otherwise more specifically provided in this section or by other law. Photographs or digital images maintained by the division of vehicles in connection with the issuance of drivers' licenses may be disclosed to any federal, state or local agency, including any court or law enforcement agency, to assist such agency in carrying out the functions required of such governmental agency. In January of each year the division shall report to the house committee on veterans, military and homeland security regarding the utilization of the provisions of this subsection. Motor vehicle records relating to diversion agreements for the purposes of K.S.A. 8-1567, 12-4415 and 22-2908, and amendments thereto, shall be confidential and shall not be disclosed except in accordance with a proper judicial order or by direct computer access to:

(1) A city, county or district attorney, for the purpose of determining a person's eligibility for diversion or to determine the proper charge for a violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or any ordinance of a city or resolution of a county in this state which prohibits any acts prohibited by those statutes;

(2) a municipal or district court, for the purpose of using the record in connection with any matter before the court;

(3) a law enforcement agency, for the purpose of supplying the record to a person authorized to obtain it under paragraph (1) or (2); or

(4) an employer when a person is required to retain a commercial driver's license due to the nature of such person's employment.

(c) Lists of persons' names and addresses contained in or derived from motor vehicle records shall not be sold, given or received for the purposes prohibited by K.S.A. 2018 Supp. 45-230, and amendments thereto, except that:

(1) The director of vehicles may provide to a requesting party, and a requesting party may receive, such a list and accompanying information from motor vehicle records upon written certification that the requesting party shall use the list solely for the purpose of:

~~(A) Assisting manufacturers of motor vehicles in compiling statistical reports or in notifying owners of vehicles believed to:~~

~~(i) Have safety-related defects;~~

~~(ii) fail to comply with emission standards; or~~

~~(iii) have any defect to be remedied at the expense of the manufacturer;~~

~~(B) assisting an insurer authorized to do business in this state, or the insurer's authorized agent:~~

~~(i) In processing an application for, or renewal or cancellation of, a motor vehicle liability insurance policy; or~~

~~(ii) in conducting antifraud activities by identifying potential undisclosed drivers of a motor vehicle currently insured by an insurer licensed to do business in this state by providing only the following information: Drivers' license number, license type, date of birth, name, address, issue date and expiration date;~~

~~(C) assisting the selective service system in the maintenance of a list of persons 18 to 26 years of age in this state as required under the provisions of section 3 of the federal military selective service act;~~

~~(D) assisting any federal, state or local agency, including any court or law enforcement agency, or any private person acting on behalf of such agencies in carrying out the functions required of such governmental agency, except that such records shall~~

not be redisclosed;

~~(E)(B)~~ assisting businesses with the verification or reporting of information derived from the title and registration records of the division to prepare and assemble vehicle history reports, except that such vehicle history reports shall not include the names or addresses of any current or previous owners;

~~(F)~~ assisting businesses in producing motor vehicle title or motor vehicle registration, or both, statistical reports, so long as personal information is not published, redisclosed or used to contact individuals;

~~(G)(C)~~ assisting an employer or an employer's authorized agent in monitoring the driving record of the employees required to drive in the course of employment to ensure driver behavior, performance or safety; ~~or~~

~~(H)(D)~~ assisting the Kansas commission on veterans affairs office in notifying veterans of the facilities, benefits and services available to veterans; or

(E) any other purpose authorized by the driver's privacy protection act, 18 U.S.C. § 2721, as it existed on January 1, 2018.

(2) Any law enforcement agency of this state which has access to motor vehicle records may furnish to a requesting party, and a requesting party may receive, such a list and accompanying information from such records upon written certification that the requesting party shall use the list solely for the purpose of assisting an insurer authorized to do business in this state, or the insurer's authorized agent, in processing an application for, or renewal or cancellation of, a motor vehicle liability insurance policy.

(d) If a law enforcement agency of this state furnishes information to a requesting party pursuant to subsection (c)(2), the law enforcement agency shall charge the fee prescribed by the secretary of revenue pursuant to K.S.A. 74-2022, and amendments thereto, for any copies furnished and may charge an additional fee to be retained by the law enforcement agency to cover its cost of providing such copies. The fee prescribed pursuant to K.S.A. 74-2022, and amendments thereto, shall be paid monthly to the secretary of revenue and upon receipt thereof shall be deposited in the state treasury to the credit of the electronic databases fee fund, except for the \$1 of the fee for each record required to be credited to the highway patrol training center fund under subsection (f).

(e) The secretary of revenue, the secretary's agents or employees, the director of vehicles or the director's agents or employees shall not be liable for damages caused by any negligent or wrongful act or omission of a law enforcement agency in furnishing any information obtained from motor vehicle records.

(f) A fee in an amount fixed by the secretary of revenue pursuant to K.S.A. 74-2022, and amendments thereto, of not less than \$2 for each full or partial motor vehicle record shall be charged by the division, except that the director may charge a lesser fee pursuant to a contract between the secretary of revenue and any person to whom the director is authorized to furnish information under subsection (c)(1), and such fee shall not be less than the cost of production or reproduction of any full or partial motor vehicle record requested. ~~Except for the fees charged pursuant to a contract for motor vehicle records authorized by this subsection pertaining to motor vehicle titles or motor vehicle registrations or pursuant to subsection (e)(1)(B)(ii) or (e)(1)(D), \$1 shall be credited to the highway patrol training center fund for each motor vehicle record provided by the division of vehicles. One dollar shall be credited to the highway patrol training center fund for each motor vehicle record provided by the division of vehicles.~~

except for fees charged:

(1) Pursuant to a contract for motor vehicle records authorized by this subsection pertaining to motor vehicle titles or motor vehicle registrations; or

(2) for motor vehicle records authorized for disclosure pursuant to subsection (c)(1) (E) for the purposes of:

(A) Assisting an insurer authorized to do business in this state, or the insurer's authorized agent, in conducting antifraud activities; or

(B) assisting any federal, state or local agency, including any court or law enforcement agency, or any private person acting on behalf of such agencies, in carrying out the functions required of such governmental agency.

(g) The secretary of revenue may adopt such rules and regulations as are necessary to implement the provisions of this section.

Sec. 2. K.S.A. 74-2012 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in line 2; in line 3, by striking all before the period and inserting "the division of motor vehicles; relating to the disclosure of records; adopting the driver's privacy protection act; amending K.S.A. 74-2012 and repealing the existing section";

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

MIKE PETERSEN

DAN GODDARD

PAT PETTEY

Conferees on part of Senate

RICHARD PROEHL

JACK THIMESCH

HENRY HELGERSON

Conferees on part of House

Senator Petersen moved the Senate adopt the Conference Committee Report on **HB 2126**.

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

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

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MADAM PRESIDENT: Your committee on conference on Senate amendments to **HB 2177** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 3, in line 14, after "Annotated" by inserting ", and amendments thereto,";

On page 4, following line 16, by inserting:

"Sec. 3. K.S.A. 2018 Supp. 40-3305 is hereby amended to read as follows: 40-3305. (a) Every insurer ~~which that~~ is authorized to do business in this state and ~~which that~~ is a member of an insurance holding company system shall register with the commissioner of insurance, except a foreign insurer subject to registration requirements and standards adopted by statute or regulation in the jurisdiction of its domicile ~~which that~~ are substantially similar to those contained in this section. Any insurer ~~which that~~ is subject to registration under this section shall register within 15 days after it becomes subject to registration, and annually thereafter by May 1 of each year unless the commissioner of insurance for good cause shown extends the time for registration, and then within such extended time. The commissioner of insurance may require any authorized insurer ~~which that~~ is a member of an insurance holding company system and ~~which that~~ is not subject to registration under this section to furnish a copy of the registration statement, the summary specified in subsection (c) or other information filed by such insurance company with the insurance regulatory authority of domiciliary jurisdiction.

(b) Pursuant to subsection (a), every insurer subject to registration shall file a registration statement on a form provided by the commissioner of insurance, ~~which that~~ shall contain current information about:

(1) The capital structure, general financial condition, ownership and management of the insurer and any person controlling the insurer;

(2) the identity and relationship of every member of the insurance holding company system;

(3) the following agreements in force and transactions currently outstanding or ~~which that~~ occurred during the last calendar year between such insurer and its affiliates:

(A) Loans, other investments, or purchases, sales or exchanges of securities of the affiliates by the insurer or of the insurer by its affiliates;

(B) purchases, sales; or exchanges of assets;

(C) transactions not in the ordinary course of business;

(D) guarantees or undertakings for the benefit of an affiliate ~~which that~~ result in an actual contingent exposure of the insurer's assets to liability, other than insurance contracts entered into in the ordinary course of the insurer's business;

(E) all management agreements, service contracts and cost sharing arrangements;

(F) reinsurance agreements;

(G) dividends and other distributions to shareholders; and

(H) consolidated tax allocation agreements;

(4) other matters concerning transactions between registered insurers and any affiliates as may be included from time to time in any registration forms adopted or approved by the commissioner of insurance;

(5) any pledge of the insurer's stock, including stock of any subsidiary or controlling affiliate, for a loan made to any member of the insurance holding company system;

(6) ~~if requested by the commissioner of insurance, the insurer shall include financial statements of or within an insurance holding company system, including all affiliates, if requested by the commissioner of insurance.~~ Financial statements may include, but are not limited to, annual audited financial statements filed with the U.S.

securities and exchange commission (SEC) pursuant to the securities act of 1933, as amended, or the securities exchange act of 1934, as amended. An insurer required to file financial statements pursuant to this paragraph may satisfy the request by providing the commissioner of insurance with the most recently filed parent corporation financial statements that have been filed with the SEC;

(7) statements that the insurer's board of directors and principal officers oversee corporate governance and internal controls and that the insurer's principal officers have approved, implemented and continue to maintain and monitor corporate governance and internal control procedures; and

(8) any other information required by the commissioner of insurance by rules and regulations.

(c) All registration statements shall be accompanied by a summary outlining all items in the current registration statement representing changes from the prior registration statement.

(d) No information need be disclosed on the registration statement filed pursuant to subsection (b) if such information is not material for the purpose of this section. Unless the commissioner of insurance by rules and regulations or order provides otherwise, sales, purchases, exchanges, loans or extensions of credit, investments or guarantees, involving ~~5%~~ 0.5% or less of an insurer's admitted assets as of the December 31 immediately preceding shall be deemed immaterial for purposes of this section.

(e) Each registered insurer shall keep current the information required to be disclosed in such insurer's registration statement by reporting all material changes or additions on amendment forms provided by the commissioner of insurance within 15 days after the end of the month in which it learns of each such change or addition, except each registered insurer shall report all dividends and other distributions to shareholders within five business days following its declaration. Any such dividend or distribution shall not be paid for at least 10 business days from the commissioner's receipt of the notice of its declaration.

(f) Any person within an insurance holding company system subject to registration shall provide complete and accurate information to an insurer, where such information is reasonably necessary to enable the insurer to comply with the provisions of this act.

(g) The commissioner of insurance shall terminate the registration of any insurer ~~which that~~ demonstrates that such insurer no longer is a member of an insurance holding company system.

(h) The commissioner of insurance may require or allow two or more affiliated insurers subject to registration hereunder to file a consolidated registration statement.

(i) The commissioner of insurance may allow an insurer ~~which that~~ is authorized to do business in this state and ~~which that~~ is part of an insurance holding company system to register on behalf of any affiliated insurer ~~which that~~ is required to register under subsection (a) and to file all information and material required to be filed under this section.

(j) The provisions of this section shall not apply to any information or transaction if and to the extent the commissioner of insurance by rule and regulation or order ~~shall exempt~~ exempts the same from the provisions of this section.

(k) Any person may file with the commissioner of insurance a disclaimer of affiliation with any authorized insurer or such a disclaimer may be filed by such insurer or any member of an insurance holding company system. The disclaimer shall fully

disclose all material relationships and bases for affiliation between such person and such insurer as well as the basis for disclaiming such affiliation. After a disclaimer has been filed, the insurer shall be relieved of any duty to register or report under this section which may arise out of the insurer's relationship with such person unless and until the commissioner of insurance disallows such a disclaimer. The commissioner of insurance shall disallow such a disclaimer only after furnishing all parties in interest with notice and opportunity to be heard in accordance with the provisions of the Kansas administrative procedure act.

(1) (1) Except as provided in paragraph (2), the ultimate controlling person of every insurer subject to registration also shall file an annual enterprise risk report. The report, to the best of the ultimate controlling person's knowledge and belief, shall identify the material risks within the insurance holding company system that could pose enterprise risk to the insurer. The report shall be appropriate to the nature, scale and complexity of the insurer. The report shall be filed with the lead state commissioner of insurance of the insurance holding company system as determined by the procedures within the financial analysis handbook adopted by the national association of insurance commissioners. The first enterprise risk report shall be filed no later than May 1, 2015, and annually thereafter by May 1 of each year unless the commissioner of insurance extends the time for filing for good cause shown.

(2) The ultimate controlling person of ~~an~~ a domestic insurer that is authorized, admitted or eligible to engage in the business of insurance only in this state with total direct and assumed annual premiums of less than \$300 million is not required to submit an enterprise risk report under paragraph (1) unless the ultimate controlling person of the domestic insurer also controls other insurers that do not meet the requirements of this subsection. For the purposes of this subsection, an insurer is not considered to be authorized, admitted or eligible to engage in the business of insurance only in this state if the insurer directly or indirectly writes or assumes insurance in any other manner in another state.

(m) The failure of an insurer or an ultimate controlling person of the insurer to file a registration statement, any summary of the registration statement or enterprise risk filing within the specified time for filing shall be a violation by the insurer or by the ultimate controlling person of the insurer, as applicable.

Sec. 4. K.S.A. 2018 Supp. 40-2,118 is hereby amended to read as follows: 40-2,118. (a) For purposes of this act a "fraudulent insurance act" means an act committed by any person who, knowingly and with intent to defraud, presents, causes to be presented or prepares with knowledge or belief that it will be presented to or by an insurer, purported insurer, broker or any agent thereof, any written, electronic, electronic impulse, facsimile, magnetic, oral, or telephonic communication or statement as part of, or in support of, an application for the issuance of, or the rating of an insurance policy for personal or commercial insurance, or a claim for payment or other benefit pursuant to an insurance policy for commercial or personal insurance which such person knows to contain materially false information concerning any fact material thereto; or conceals, for the purpose of misleading, information concerning any fact material thereto.

(b) An insurer that has knowledge or a good faith belief that a fraudulent insurance act is being or has been committed shall provide to the commissioner, on a form prescribed by the commissioner, any and all information and such additional

information relating to such fraudulent insurance act as the commissioner may require.

(c) Any other person ~~that~~ who has knowledge or a good faith belief that a fraudulent insurance act is being or has been committed may provide to the commissioner, on a form prescribed by the commissioner, any and all information and such additional information relating to such fraudulent insurance act as the commissioner may request.

(d) (1) Each insurer shall have antifraud initiatives reasonably calculated to detect fraudulent insurance acts. Antifraud initiatives may include fraud investigators, who may be insurer employees or independent contractors and an antifraud plan submitted to the commissioner no later than July 1, 2007. Each insurer that submits an antifraud plan shall notify the commissioner of any material change in the information contained in the antifraud plan within 30 days after such change occurs. Such insurer shall submit to the commissioner in writing the amended antifraud plan.

The requirement for submitting any antifraud plan, or any amendment thereof, to the commissioner shall expire on the date specified in subsection (d)(2) unless the legislature reviews and reenacts the provisions of subsection (d)(2) prior to such date.

(2) Any antifraud plan, or any amendment thereof, submitted to the commissioner for informational purposes only shall be confidential and not be a public record and shall not be subject to discovery or subpoena in a civil action unless following an in camera review, the court determines that the antifraud plan is relevant and otherwise admissible under the rules of evidence set forth in article 4 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto. The provisions of this paragraph shall expire on July 1, 2021, unless the legislature reviews and reenacts this provision prior to July 1, 2021.

(e) Except as otherwise specifically provided in K.S.A. 2018 Supp. 21-5812(a), and amendments thereto, and K.S.A. 44-5,125, and amendments thereto, a fraudulent insurance act shall constitute a severity level 6, nonperson felony if the amount involved is \$25,000 or more; a severity level 7, nonperson felony if the amount involved is at least \$5,000 but less than \$25,000; a severity level 8, nonperson felony if the amount involved is at least \$1,000 but less than \$5,000; and a class C nonperson misdemeanor if the amount involved is less than \$1,000. Any combination of fraudulent acts as defined in subsection (a) which occur in a period of six consecutive months which involves \$25,000 or more shall have a presumptive sentence of imprisonment regardless of its location on the sentencing grid block.

(f) In addition to any other penalty, a person who violates this statute shall be ordered to make restitution to the insurer or any other person or entity for any financial loss sustained as a result of such violation. An insurer shall not be required to provide coverage or pay any claim involving a fraudulent insurance act.

(g) For the purposes of this section:

(1) "Amount involved" means the greater of: (A) The actual pecuniary harm resulting from the fraudulent insurance act; (B) the pecuniary harm that was intended to result from the fraudulent insurance act; or (C) the intended pecuniary harm that would have been impossible or unlikely to occur, such as in a government sting operation or a fraud in which the claim for payment or other benefit pursuant to an insurance policy exceeded the allowed value. The aggregate dollar amount of the fraudulent claims submitted to the insurance company shall constitute prima facie evidence of the amount of intended loss and is sufficient to establish the aggregate amount involved in the

fraudulent insurance act, if not rebutted; and

(2) "pecuniary harm" means harm that is monetary or that otherwise is readily measurable in money, and does not include emotional distress, harm to reputation or other non-economic harm.

(h) This act shall apply to all insurance applications, ratings, claims and other benefits made pursuant to any insurance policy.";

Also on page 4, in line 17, after "Supp." by inserting "40-2,118, 40-2,118a,"; also in line 17, by striking "is" and inserting "and 40-3305 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "to"; by striking lines 2 and 3; in line 4, by striking all before the second semicolon and inserting "the accounting treatment of certain derivative instruments used in hedging transactions; version of risk-based capital instructions in effect; exempting certain domestic insurers from filing enterprise risk reports; defining amount involved for fraudulent insurance acts"; in line 5, after "Supp." by inserting "40-2,118,"; also in line 5, after "40-2c01" by inserting "and 40-3305"; also in line 5, by striking "section" and inserting "sections; also repealing K.S.A. 2018 Supp. 40-2,118a";

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

ROB OLSON

RICK BILLINGER

MARY WARE

Conferees on part of Senate

JENE VICKREY

TOM COX

CINDY NEIGHBOR

Conferees on part of House

Senator Olson moved the Senate adopt the Conference Committee Report on **HB 2177**.

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

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

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MADAM PRESIDENT: Your committee on conference on Senate amendments to **HB 2209** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, following line 5, by inserting:

"New Section 1. On and after July 1, 2019, the provisions of sections 1 through 3, and amendments thereto, shall be known and may be cited as the unclaimed life

insurance benefits act.

New Sec. 2. As used in the unclaimed life insurance benefits act:

(a) "Contract" means an annuity contract. The term "contract" shall not include an annuity used to fund an employment-based retirement plan or program where: (1) The insurer does not perform the record-keeping services; or (2) the insurer is not committed by terms of the annuity contract to pay death benefits to the beneficiaries of specific plan participants.

(b) "Death master file" means the United States social security administration's death master file or any other database or service that is at least as comprehensive as the United States social security administration's death master file for determining that a person has reportedly died.

(c) "Death master file match" means a search of the death master file that results in a match of the social security number or the name and date of birth of an insured, annuity owner or retained asset account holder.

(d) "Knowledge of death" means: (1) Receipt of an original or valid copy of a certified death certificate; or (2) a death master file match validated by the insurer in accordance with section 3(a), and amendments thereto.

(e) "Policy" means any policy or certificate of life insurance that provides a death benefit. The term "policy" shall not include: (1) Any policy or certificate of life insurance that provides a death benefit under an employee benefit plan: (A) Subject to the employee retirement income security act of 1974 (29 U.S.C. § 1002); or (B) under any federal employee benefit program; (2) any policy or certificate of life insurance that is used to fund a preneed funeral contract or prearrangement; (3) any policy or certificate of credit life or accidental death insurance; or (4) any policy issued to a group master policyholder for which the insurer does not provide record keeping services.

(f) "Record keeping services" means those circumstances under which the insurer has agreed with a group policy or contract customer to be responsible for obtaining, maintaining and administering in its own or its agents' systems information about each individual insured under an insured's group insurance contract, or a line of coverage thereunder, at least the following information: (1) Social security number or name and date of birth; (2) beneficiary designation information; (3) coverage eligibility; (4) benefit amount; and (5) premium payment status.

(g) "Retained asset account" means any mechanism whereby the settlement of proceeds payable under a policy or contract is accomplished by the insurer or an entity acting on behalf of the insurer depositing the proceeds into an account with check or draft writing privileges, where those proceeds are retained by the insurer or its agent, pursuant to a supplementary contract not involving annuity benefits other than death benefits.

(h) The provisions of this section shall take effect on and after July 1, 2019.

New Sec. 3. (a) An insurer shall perform a comparison of its insureds' in-force policies, contracts, and retained asset accounts against a death master file, on at least a semi-annual basis, by using the full death master file once and thereafter using the death master file update files for future comparisons to identify potential matches of its insureds. For those potential matches identified as a result of a death master file match, the insurer shall:

- (1) Within 90 days of a death master file match:
 - (A) Complete a good faith effort that shall be documented by the insurer to confirm the death of the insured or retained asset account holder against other available records and information;
 - (B) determined whether benefits are due in accordance with the applicable policy or contract. If benefits are due in accordance with the applicable policy or contract:
 - (i) Use good faith efforts that shall all be documented by the insurer to locate the beneficiary or beneficiaries; and
 - (ii) provide the appropriate claim forms or instructions to the beneficiary or beneficiaries to make a claim including the need to provide an official death certificate, if applicable under the policy contract.
- (2) With respect to group life insurance, insurers shall confirm the possible death of an insured when the insurers maintain at least the following information of those covered under a policy or certificate: (A) Social security number or name and date of birth; (B) beneficiary designation information; (C) coverage eligibility; (D) benefit amount; and (E) premium payment status.
- (3) Every insurer shall implement procedures to account for:
 - (A) Common nicknames, initials used in lieu of a first or middle name, use of a middle name, compound first and middle names and interchanged first and middle names;
 - (B) compound last names, maiden or married names, and hyphens, blank spaces or apostrophes in last names;
 - (C) transposition of the month and date portions of the date of birth; and
 - (D) incomplete social security numbers.
- (4) To the extent permitted by law, the insurer may disclose minimum, necessary personal information about the insured or beneficiary to a person who the insurer reasonably believes may be able to assist the insurer locate the beneficiary or a person otherwise entitled to payment of the claims proceeds.
 - (b) An insurer or its service provider shall not charge any beneficiary or other authorized representative for any fees or costs associated with a death master file search or verification of a death master file match conducted pursuant to this section.
 - (c) The benefits from a policy, contract or a retained asset account, plus any applicable accrued contractual interest shall first be payable to the designated beneficiaries or owners, and in the event the beneficiaries or owners can not be found, shall escheat to the state as unclaimed property pursuant to K.S.A. 58-3936, and amendments thereto. Interest payable under K.S.A. 40-447, and amendments thereto, shall not be payable as unclaimed property.
 - (d) An insurer shall notify the state treasurer upon the expiration of the statutory time period for escheat that:
 - (1) A policy or contract beneficiary or retained asset account holder has not submitted a claim with the insurer; and
 - (2) the insurer has complied with subsection (a) and has been unable, after good faith efforts, documented by the insurer, to contact the retained asset account holder, beneficiary or beneficiaries.

(e) Upon such notice, an insurer shall immediately submit the unclaimed policy or contract benefits or unclaimed retained asset accounts, plus any applicable accrued interest, to the state treasurer in accordance with the unclaimed property act.

(f) Failure to meet any requirement of this section with such frequency as to constitute a general business practice shall be considered an unfair or deceptive act or practice under K.S.A. 40-2404, and amendments thereto, and subject to the penalties contained under K.S.A. 40-2401 et seq., and amendments thereto. Nothing herein shall be construed to create or imply a private cause of action for a violation of this section.

(g) The provisions of this section shall take effect on and after July 1, 2019.

Sec. 4. On and after July 1, 2019, K.S.A. 2018 Supp. 40-2404 is hereby amended to read as follows: 40-2404. The following are hereby defined as unfair methods of competition and unfair or deceptive acts or practices in the business of insurance:

(1) *Misrepresentations and false advertising of insurance policies.* Making, issuing, circulating or causing to be made, issued or circulated, any estimate, illustration, circular, statement, sales presentation, omission or comparison ~~which that~~:

(a) Misrepresents the benefits, advantages, conditions or terms of any insurance policy;

(b) misrepresents the dividends or share of the surplus to be received on any insurance policy;

(c) makes any false or misleading statements as to the dividends or share of surplus previously paid on any insurance policy;

(d) is misleading or is a misrepresentation as to the financial condition of any person, or as to the legal reserve system upon which any life insurer operates;

(e) uses any name or title of any insurance policy or class of insurance policies misrepresenting the true nature thereof;

(f) is a misrepresentation for the purpose of inducing or tending to induce the lapse, forfeiture, exchange, conversion or surrender of any insurance policy;

(g) is a misrepresentation for the purpose of effecting a pledge or assignment of or effecting a loan against any insurance policy; or

(h) misrepresents any insurance policy as being shares of stock.

(2) *False information and advertising generally.* Making, publishing, disseminating, circulating or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in a newspaper, magazine or other publication, or in the form of a notice, circular, pamphlet, letter or poster, or over any radio or television station, or in any other way, an advertisement, announcement or statement containing any assertion, misrepresentation or statement with respect to the business of insurance or with respect to any person in the conduct of such person's insurance business, ~~which that~~ is untrue, deceptive or misleading.

(3) *Defamation.* Making, publishing, disseminating or circulating, directly or indirectly, or aiding, abetting or encouraging the making, publishing, disseminating or circulating of any oral or written statement or any pamphlet, circular, article or literature ~~which that~~ is false, or maliciously critical of or derogatory to the financial condition of any person, and ~~which that~~ is calculated to injure such person.

(4) *Boycott, coercion and intimidation.* Entering into any agreement to commit, or by any concerted action committing, any act of boycott, coercion or intimidation resulting in or tending to result in unreasonable restraint of the business of insurance, or

by any act of boycott, coercion or intimidation monopolizing or attempting to monopolize any part of the business of insurance.

(5) *False statements and entries.* (a) Knowingly filing with any supervisory or other public official, or knowingly making, publishing, disseminating, circulating or delivering to any person, or placing before the public, or knowingly causing directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public, any false material statement of fact as to the financial condition of a person.

(b) Knowingly making any false entry of a material fact in any book, report or statement of any person or knowingly omitting to make a true entry of any material fact pertaining to the business of such person in any book, report or statement of such person.

(6) *Stock operations and advisory board contracts.* Issuing or delivering or permitting agents, officers or employees to issue or deliver, agency company stock or other capital stock, or benefit certificates or shares in any common-law corporation, or securities or any special or advisory board contracts or other contracts of any kind promising returns and profits as an inducement to insurance. Nothing herein shall prohibit the acts permitted by K.S.A. 40-232, and amendments thereto.

(7) *Unfair discrimination.* (a) Making or permitting any unfair discrimination between individuals of the same class and equal expectation of life in the rates charged for any contract of life insurance or life annuity or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contract.

(b) Making or permitting any unfair discrimination between individuals of the same class and of essentially the same hazard in the amount of premium, policy fees or rates charged for any policy or contract of accident or health insurance or in the benefits payable thereunder, or in any of the terms or conditions of such contract, or in any other manner whatever.

(c) Refusing to insure, or refusing to continue to insure, or limiting the amount, extent or kind of coverage available to an individual, or charging an individual a different rate for the same coverage solely because of blindness or partial blindness. With respect to all other conditions, including the underlying cause of the blindness or partial blindness, persons who are blind or partially blind shall be subject to the same standards of sound actuarial principles or actual or reasonably anticipated experience as are sighted persons. Refusal to insure includes denial by an insurer of disability insurance coverage on the grounds that the policy defines "disability" as being presumed in the event that the insured loses such person's eyesight. However, an insurer may exclude from coverage disabilities consisting solely of blindness or partial blindness when such condition existed at the time the policy was issued.

(d) Refusing to insure, or refusing to continue to insure, or limiting the amount, extent or kind of coverage available for accident and health and life insurance to an applicant who is the proposed insured or charge a different rate for the same coverage or excluding or limiting coverage for losses or denying a claim incurred by an insured as a result of abuse based on the fact that the applicant who is the proposed insured is, has been, or may be the subject of domestic abuse, except as provided in ~~subpart (v) subsection (7)(d)(v).~~ "Abuse" as used in this ~~subsection (7)(d) paragraph~~ means one or more acts defined in ~~subsection (a) or (b) of K.S.A. 60-3102,~~ and amendments thereto, between family members, current or former household members, or current or former

intimate partners.

(i) An insurer may not ask an applicant for life or accident and health insurance who is the proposed insured if the individual is, has been or may be the subject of domestic abuse or seeks, has sought or had reason to seek medical or psychological treatment or counseling specifically for abuse, protection from abuse or shelter from abuse.

(ii) Nothing in this section shall be construed to prohibit a person from declining to issue an insurance policy insuring the life of an individual who is, has been or has the potential to be the subject of abuse if the perpetrator of the abuse is the applicant or would be the owner of the insurance policy.

(iii) No insurer that issues a life or accident and health policy to an individual who is, has been or may be the subject of domestic abuse shall be subject to civil or criminal liability for the death or any injuries suffered by that individual as a result of domestic abuse.

(iv) No person shall refuse to insure, refuse to continue to insure, limit the amount, extent or kind of coverage available to an individual or charge a different rate for the same coverage solely because of physical or mental condition, except where the refusal, limitation or rate differential is based on sound actuarial principles.

(v) Nothing in this section shall be construed to prohibit a person from underwriting or rating a risk on the basis of a preexisting physical or mental condition, even if such condition has been caused by abuse, provided that:

(A) The person routinely underwrites or rates such condition in the same manner with respect to an insured or an applicant who is not a victim of abuse;

(B) the fact that an individual is, has been or may be the subject of abuse may not be considered a physical or mental condition; and

(C) such underwriting or rating is not used to evade the intent of this section or any other provision of the Kansas insurance code.

(vi) Any person who underwrites or rates a risk on the basis of preexisting physical or mental condition as set forth in subsection (7)(d)(v), shall treat such underwriting or rating as an adverse underwriting decision pursuant to K.S.A. 40-2,112, and amendments thereto.

(vii) The provisions of ~~subsection (d) this paragraph~~ shall apply to all policies of life and accident and health insurance issued in this state after the effective date of this act and all existing contracts ~~which that~~ are renewed on or after the effective date of this act.

(e) Refusing to insure, or refusing to continue to insure, or limiting the amount, extent or kind of coverage available for life insurance to an individual, or charging an individual a different rate for the same coverage, solely because of such individual's status as a living organ donor. With respect to all other conditions, persons who are living organ donors shall be subject to the same standards of sound actuarial principles or actual or reasonably anticipated experience as are persons who are not organ donors.

(8) *Rebates.* (a) Except as otherwise expressly provided by law, knowingly permitting, offering to make or making any contract of life insurance, life annuity or accident and health insurance, or agreement as to such contract other than as plainly expressed in the insurance contract issued thereon; paying, allowing, giving or offering to pay, allow or give, directly or indirectly, as inducement to such insurance, or annuity, any rebate of premiums payable on the contract, any special favor or advantage in the

dividends or other benefits thereon, or any valuable consideration or inducement whatever not specified in the contract; or giving, selling, purchasing or offering to give, sell or purchase as inducement to such insurance contract or annuity or in connection therewith, any stocks, bonds or other securities of any insurance company or other corporation, association or partnership, or any dividends or profits accrued thereon, or anything of value whatsoever not specified in the contract.

(b) Nothing in subsection (7) or (8)(a) shall be construed as including within the definition of discrimination or rebates any of the following practices:

(i) In the case of any contract of life insurance or life annuity, paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from nonparticipating insurance. Any such bonuses or abatement of premiums shall be fair and equitable to policyholders and for the best interests of the company and its policyholders;

(ii) in the case of life insurance policies issued on the industrial debit plan, making allowance to policyholders who have continuously for a specified period made premium payments directly to an office of the insurer in an amount ~~which~~ that fairly represents the saving in collection expenses; or

(iii) readjustment of the rate of premium for a group insurance policy based on the loss or expense experience thereunder, at the end of the first or any subsequent policy year of insurance thereunder, which may be made retroactive only for such policy year.

(9) *Unfair claim settlement practices.* It is an unfair claim settlement practice if any of the following or any rules and regulations pertaining thereto are: ~~(A)~~ either committed flagrantly and in conscious disregard of such provisions, or ~~(B)~~ committed with such frequency as to indicate a general business practice:;

(a) Misrepresenting pertinent facts or insurance policy provisions relating to coverages at issue;

(b) failing to acknowledge and act reasonably promptly upon communications with respect to claims arising under insurance policies;

(c) failing to adopt and implement reasonable standards for the prompt investigation of claims arising under insurance policies;

(d) refusing to pay claims without conducting a reasonable investigation based upon all available information;

(e) failing to affirm or deny coverage of claims within a reasonable time after proof of loss statements have been completed;

(f) not attempting in good faith to effectuate prompt, fair and equitable settlements of claims in which liability has become reasonably clear;

(g) compelling insureds to institute litigation to recover amounts due under an insurance policy by offering substantially less than the amounts ultimately recovered in actions brought by such insureds;

(h) attempting to settle a claim for less than the amount to which a reasonable person would have believed that such person was entitled by reference to written or printed advertising material accompanying or made part of an application;

(i) attempting to settle claims on the basis of an application ~~which~~ that was altered without notice to, or knowledge or consent of the insured;

(j) making claims payments to insureds or beneficiaries not accompanied by a statement setting forth the coverage under which payments are being made;

(k) making known to insureds or claimants a policy of appealing from arbitration

awards in favor of insureds or claimants for the purpose of compelling them to accept settlements or compromises less than the amount awarded in arbitration;

(l) delaying the investigation or payment of claims by requiring an insured, claimant or the physician of either to submit a preliminary claim report and then requiring the subsequent submission of formal proof of loss forms, both of which submissions contain substantially the same information;

(m) failing to promptly settle claims, where liability has become reasonably clear, under one portion of the insurance policy coverage in order to influence settlements under other portions of the insurance policy coverage; or

(n) failing to promptly provide a reasonable explanation of the basis in the insurance policy in relation to the facts or applicable law for denial of a claim or for the offer of a compromise settlement.

(10) *Failure to maintain complaint handling procedures.* Failure of any person, who is an insurer on an insurance policy, to maintain a complete record of all the complaints ~~which~~ that it has received since the date of its last examination under K.S.A. 40-222, and amendments thereto; but no such records shall be required for complaints received prior to the effective date of this act. The record shall indicate the total number of complaints, their classification by line of insurance, the nature of each complaint, the disposition of the complaints, the date each complaint was originally received by the insurer and the date of final disposition of each complaint. For purposes of this subsection, "complaint" means any written communication primarily expressing a grievance related to the acts and practices set out in this section.

(11) *Misrepresentation in insurance applications.* Making false or fraudulent statements or representations on or relative to an application for an insurance policy, for the purpose of obtaining a fee, commission, money or other benefit from any insurer, agent, broker or individual.

(12) *Statutory violations.* Any violation of any of the provisions of K.S.A. 40-216, 40-276a, 40-2,155 or 40-1515, and amendments thereto.

(13) *Disclosure of information relating to adverse underwriting decisions and refund of premiums.* Failing to comply with the provisions of K.S.A. 40-2,112, and amendments thereto, within the time prescribed in such section.

(14) *Rebates and other inducements in title insurance.* (a) No title insurance company or title insurance agent, or any officer, employee, attorney, agent or solicitor thereof, may pay, allow or give, or offer to pay, allow or give, directly or indirectly, as an inducement to obtaining any title insurance business, any rebate, reduction or abatement of any rate or charge made incident to the issuance of such insurance, any special favor or advantage not generally available to others of the same classification, or any money, thing of value or other consideration or material inducement. The words "charge made incident to the issuance of such insurance" includes, without limitations, escrow, settlement and closing charges.

(b) No insured named in a title insurance policy or contract nor any other person directly or indirectly connected with the transaction involving the issuance of the policy or contract, including, but not limited to, mortgage lender, real estate broker, builder, attorney or any officer, employee, agent representative or solicitor thereof, or any other person may knowingly receive or accept, directly or indirectly, any rebate, reduction or abatement of any charge, or any special favor or advantage or any monetary consideration or inducement referred to in subsection (14)(a).

(c) Nothing in this section shall be construed as prohibiting:

(i) The payment of reasonable fees for services actually rendered to a title insurance agent in connection with a title insurance transaction;

(ii) the payment of an earned commission to a duly appointed title insurance agent for services actually performed in the issuance of the policy of title insurance; or

(iii) the payment of reasonable entertainment and advertising expenses.

(d) Nothing in this section prohibits the division of rates and charges between or among a title insurance company and its agent, or one or more title insurance companies and one or more title insurance agents, if such division of rates and charges does not constitute an unlawful rebate under the provisions of this section and is not in payment of a forwarding fee or a finder's fee.

(e) As used in ~~paragraphs (e) through (i)(7) of this subpart~~ subsections (14)(c) through (14)(i), unless the context otherwise requires:

(i) "Associate" means any firm, association, organization, partnership, business trust, corporation or other legal entity organized for profit in which a producer of title business is a director, officer or partner thereof, or owner of a financial interest; the spouse or any relative within the second degree by blood or marriage of a producer of title business who is a natural person; any director, officer or employee of a producer of title business or associate; any legal entity that controls, is controlled by, or is under common control with a producer of title business or associate; and any natural person or legal entity with whom a producer of title business or associate has any agreement, arrangement or understanding or pursues any course of conduct, the purpose or effect of which is to evade the provisions of this section.

(ii) "Financial interest" means any direct or indirect interest, legal or beneficial, where the holder thereof is or will be entitled to 1% or more of the net profits or net worth of the entity in which such interest is held. Notwithstanding the foregoing, an interest of less than 1% or any other type of interest shall constitute a "financial interest" if the primary purpose of the acquisition or retention of that interest is the financial benefit to be obtained as a consequence of that interest from the referral of title business.

(iii) "Person" means any natural person, partnership, association, cooperative, corporation, trust or other legal entity.

(iv) "Producer of title business" or "producer" means any person, including any officer, director or owner of 5% or more of the equity or capital or both of any person, engaged in this state in the trade, business, occupation or profession of:

(A) Buying or selling interests in real property;

(B) making loans secured by interests in real property; or

(C) acting as broker, agent, representative or attorney for a person who buys or sells any interest in real property or who lends or borrows money with such interest as security.

(v) "Refer" means to direct or cause to be directed or to exercise any power or influence over the direction of title insurance business, whether or not the consent or approval of any other person is sought or obtained with respect to the referral.

(f) No title insurer or title agent may accept any order for, issue a title insurance policy to, or provide services to, an applicant if it knows or has reason to believe that the applicant was referred to it by any producer of title business or by any associate of such producer, where the producer, the associate, or both, have a financial interest in the

title insurer or title agent to which business is referred unless the producer has disclosed to the buyer, seller and lender the financial interest of the producer of title business or associate referring the title insurance business.

(g) No title insurer or title agent may accept an order for title insurance business, issue a title insurance policy, or receive or retain any premium, or charge in connection with any transaction if: (i) The title insurer or title agent knows or has reason to believe that the transaction will constitute controlled business for that title insurer or title agent; and (ii) 70% or more of the closed title orders of that title insurer or title agent during the 12 full calendar months immediately preceding the month in which the transaction takes place is derived from controlled business. The prohibitions contained in this ~~subparagraph~~ paragraph shall not apply to transactions involving real estate located in a county that has a population, as shown by the last preceding decennial census, of 10,000 or less.

(h) Within 90 days following the end of each business year, as established by the title insurer or title agent, each title insurer or title agent shall file with the department of insurance and any title insurer with which the title agent maintains an underwriting agreement, a report executed by the title insurer's or title agent's chief executive officer or designee, under penalty of perjury, stating the percent of closed title orders originating from controlled business. The failure of a title insurer or title agent to comply with the requirements of this section, at the discretion of the commissioner, shall be grounds for the suspension or revocation of a license or other disciplinary action, with the commissioner able to mitigate any such disciplinary action if the title insurer or title agent is found to be in substantial compliance with competitive behavior as defined by federal housing and urban development statement of policy 1996-2.

(i) (1) No title insurer or title agent may accept any title insurance order or issue a title insurance policy to any person if it knows or has reason to believe that such person was referred to it by any producer of title business or by any associate of such producer, where the producer, the associate, or both, have a financial interest in the title insurer or title agent to which business is referred unless the producer has disclosed in writing to the person so referred the fact that such producer or associate has a financial interest in the title insurer or title agent, the nature of the financial interest and a written estimate of the charge or range of charges generally made by the title insurer or agent for the title services. Such disclosure shall include language stating that the consumer is not obligated to use the title insurer or agent in which the referring producer or associate has a financial interest and shall include the names and telephone numbers of not less than three other title insurers or agents ~~which that~~ operate in the county in which the property is located. If fewer than three insurers or agents operate in that county, the disclosure shall include all title insurers or agents operating in that county. Such written disclosure shall be signed by the person so referred and must have occurred prior to any commitment having been made to such title insurer or agent.

(2) No producer of title business or associate of such producer shall require, directly or indirectly, as a condition to selling or furnishing any other person any loan or extension thereof, credit, sale, property, contract, lease or service, that such other person shall purchase title insurance of any kind through any title agent or title insurer if such producer has a financial interest in such title agent or title insurer.

(3) No title insurer or title agent may accept any title insurance order or issue a title insurance policy to any person it knows or has reason to believe that the name of the

title company was pre-printed in the sales contract, prior to the buyer or seller selecting that title company.

(4) Nothing in this ~~subpart (i) paragraph~~ shall prohibit any producer of title business or associate of such producer from referring title business to any title insurer or title agent of such producer's or associate's choice, and, if such producer or associate of such producer has any financial interest in the title insurer, from receiving income, profits or dividends produced or realized from such financial interest, so long as:

(a) Such financial interest is disclosed to the purchaser of the title insurance in accordance with ~~part paragraphs (i)(1) through (i)(4) of this subpart;~~

(b) the payment of income, profits or dividends is not in exchange for the referral of business; and

(c) the receipt of income, profits or dividends constitutes only a return on the investment of the producer or associate.

(5) Any producer of title business or associate of such producer who violates the provisions of paragraphs (i)(2) through (i)(4), or any title insurer or title agent who accepts an order for title insurance knowing that it is in violation of paragraphs (i)(2) through (i)(4), in addition to any other action ~~which that~~ may be taken by the commissioner of insurance, shall be subject to a fine by the commissioner in an amount equal to five times the premium for the title insurance and, if licensed pursuant to K.S.A. 58-3034 et seq., and amendments thereto, shall be deemed to have committed a prohibited act pursuant to K.S.A. 58-3602, and amendments thereto, and shall be liable to the purchaser of such title insurance in an amount equal to the premium for the title insurance.

(6) Any title insurer or title agent that is a competitor of any title insurer or title agent that, subsequent to the effective date of this act, has violated or is violating the provisions of ~~subpart (i) this paragraph~~, shall have a cause of action against such title insurer or title agent and, upon establishing the existence of a violation of any such provision, shall be entitled, in addition to any other damages or remedies provided by law, to such equitable or injunctive relief as the court deems proper. In any such action under this subsection, the court may award to the successful party the court costs of the action together with reasonable attorney fees.

(7) The commissioner shall also require each title agent to provide core title services as required by the real estate settlement procedures act.

(j) The commissioner shall adopt any regulations necessary to carry out the provisions of this act.

(15) *Disclosure of nonpublic personal information.* (a) No person shall disclose any nonpublic personal information contrary to the provisions of title V of the Gramm-Leach-Bliley act of 1999 (public law 106-102). The commissioner may adopt rules and regulations necessary to carry out this ~~section subsection~~. Such rules and regulations shall be consistent with and not more restrictive than the model regulation adopted on September 26, 2000, by the national association of insurance commissioners entitled "Privacy of consumer financial and health information regulation".

~~(b) Any rules and regulations adopted by the commissioner which implement article V of the model regulation adopted on September 26, 2000, by the national association of insurance commissioners entitled "Privacy of consumer financial and health information regulation" shall become effective on and after February 1, 2002.~~

(e) Nothing in this ~~paragraph (15) subsection~~ shall be deemed or construed to

authorize the promulgation or adoption of any regulation—~~which~~ that preempts, supersedes or is inconsistent with any provision of Kansas law concerning requirements for notification of, or obtaining consent from, a parent, guardian or other legal custodian of a minor relating to any matter pertaining to the health and medical treatment for such minor.

Sec. 5. On and after July 1, 2019, K.S.A. 2018 Supp. 40-3812 is hereby amended to read as follows: 40-3812. (a) A person shall apply to be an administrator in its home state and shall receive a license from the regulatory authority of its home state prior to performing any function of an administrator in this state.

(b) A person applying to Kansas as its home state shall apply for licensure by submitting to the commissioner an application in the form prescribed by the commissioner that shall include or be accompanied by the following information and documents:

(1) All basic organizational documents of the applicant, including any articles of incorporation, articles of association, partnership agreement, trade name certificate, trust agreement, shareholder agreement, certificate of existence from the Kansas secretary of state and other applicable documents and all amendments to such documents;

(2) the bylaws, rules, regulations or similar documents regulating the internal affairs of the applicant;

(3) NAIC biographical affidavits for the individuals who are directly or indirectly responsible for the conduct of affairs of the applicant, including all members of the board of directors, board of trustees, executive committee or other governing board or committee, the principal officers in the case of a corporation or the partners or members in the case of a partnership, association or limited liability company, any shareholders or members holding directly or indirectly 10% or more of the voting stock, voting securities or voting interest of the applicant and any other person who directly or indirectly exercises control or influence over the affairs of the applicant;

(4) audited annual financial statements or reports for the two most recent fiscal years that demonstrate that the applicant has a positive net worth. If the applicant has been in existence for less than two fiscal years, the uniform application shall include financial statements or reports, certified by at least two officers, owners or directors of the applicant and prepared in accordance with GAAP, for any completed fiscal years and for any month during the current fiscal year for which such financial statements or reports have been completed. An audited annual financial report prepared on a consolidated basis shall include a columnar consolidating or combining worksheet that shall be filed with the report and include the following:

(A) Amounts shown on the consolidated audited financial report shown on the worksheet;

(B) amounts for each entity stated separately; and

(C) explanations of consolidating and eliminating entries included.

The applicant shall also include such other information as the commissioner may require in order to review the current financial condition of the applicant;

(5) in lieu of submitting audited financial statements, and upon written application by an applicant and good cause shown, the commissioner may grant a hardship exemption from filing audited financial statements and allow the submission of unaudited financial statements. Acceptable formats for unaudited financial statements, that shall include notes, are:

(A) Reports compiled or reviewed by a certified public accountant; or

(B) internal financial reports prepared in accordance with GAAP, certified by at least two officers, owners or directors of the administrator.

If unaudited financial statements are submitted, the applicant must also secure and maintain a surety bond in a form prescribed by the commissioner for the use and benefit of the commissioner to be held in trust for the benefit and protection of covered persons and any payor or self-funded plan against loss by reason of acts of fraud or dishonesty, for the greater of 10% of funds handled for the benefit of Kansas residents or \$20,000. Administrators of self-funded plans in Kansas are subject to the mandatory surety bond requirement found in subsection (h), regardless of whether they file audited or unaudited financial reports;

(6) a statement describing the business plan, including information on staffing levels and activities, proposed in this state and nationwide. The plan shall provide details setting forth the applicant's capability for providing a sufficient number of experienced and qualified personnel in the areas of claims processing, record keeping and underwriting;

(7) ~~the~~ a license application fee as provided for by rules and regulations in the amount of \$400; and

(8) such other pertinent information as may be required by the commissioner.

(c) An administrator licensed or applying for licensure under the provisions of this section shall make available for inspection by the commissioner, copies of all contracts with payors or other persons utilizing the services of the administrator.

(d) An administrator licensed or applying for licensure under the provisions of this section shall produce its accounts, records and files for examination, and makes its officers available to give information with respect to its affairs, as often as reasonably required by the commissioner.

(e) The commissioner may refuse to issue a license if the commissioner determines that the applicant or any individual responsible for the conduct of affairs of the applicant is not competent, trustworthy, financially responsible or of good personal and business reputation, or has had an insurance or an administrator certificate of authority or license denied or revoked for cause by any jurisdiction, or if the commissioner determines that any of the grounds set forth in K.S.A. 40-3810, and amendments thereto, exist with respect to the applicant.

(f) A license issued under this section shall remain valid, unless surrendered, suspended or revoked by the commissioner, for so long as the administrator continues in business in this state and remains in compliance with the provisions of this act and any applicable rules and regulations.

(g) An administrator licensed or applying for licensure under the provisions of this section shall immediately notify the commissioner of any material change in its ownership, control or other fact or circumstance affecting its qualification for a license in this state.

(h) An administrator licensed or applying for a home state license that administers or will administer governmental or church self-insured plans in this state or any other state shall maintain a surety bond for the use and benefit of the commissioner to be held in trust for the benefit and protection of covered persons and any payor or self-funded plan against loss by reason of acts of fraud or dishonesty. The bond shall be in the greater of the following amounts:

- (1) \$100,000; or
- (2) an amount equal to 10% of the aggregate total amount of self-funded coverage under church plans or governmental plans handled in this state and all additional states in which the administrator is authorized to do business.

Sec. 6. On and after July 1, 2019, K.S.A. 2018 Supp. 40-3813 is hereby amended to read as follows: 40-3813. (a) Unless an administrator has obtained a home state license in this state, any administrator who performs duties as an administrator in this state shall obtain a nonresident administrator license in accordance with the provisions of this section by filing with the commissioner the uniform application, accompanied by a letter of certification. In lieu of requiring an administrator to file a letter of certification with the uniform application, the commissioner may verify the nonresident administrator's home state certificate of authority or license status through an electronic database maintained by the NAIC, its affiliates or subsidiaries.

(b) An administrator shall not be eligible for a nonresident administrator license under the provisions of this section if it does not hold a license in a home state that has adopted a substantially similar law governing administrators.

(c) Except as provided in subsections (b) and (h) the commissioner shall issue to the administrator a nonresident administrator license promptly upon receipt of a complete application.

(d) Each nonresident administrator shall file biennially, as a part of its application for renewal of its license, a statement that its home state administrator license remains in force and has not been revoked or suspended by its home state during the preceding years. Each nonresident administrator renewal application shall be accompanied by a renewal application fee in the amount of \$200.

(e) At the time of filing the application for licensing required under the provisions of this section, the nonresident administrator shall pay a license application fee ~~as provided for by rules and regulations in the amount of \$400.~~

(f) An administrator licensed or applying for licensure under the provisions of this section shall produce its accounts, records and files for examination, and make its officers available to give information with respect to its affairs, as often as reasonably required by the commissioner.

(g) A nonresident administrator is not required to hold a nonresident administrator license in this state if the administrator is licensed in its home state and the administrator's duties in this state are limited to:

- (1) The administration of a group policy or plan and no more than a total of 20% of covered persons, for all plans the administrator services, reside in this state; and
- (2) the total number of covered persons residing in this state is less than 100.

(h) The commissioner may refuse to issue a nonresident administrator license, or delay the issuance of a nonresident administrator license, if the commissioner determines that, due to events or information obtained subsequent to the home state's licensure of the administrator, the nonresident administrator cannot satisfy the requirements of this act or that grounds exist for the home state's revocation or suspension of the administrator's home state certificate of authority or license.

Sec. 7. On and after July 1, 2019, K.S.A. 2018 Supp. 40-3814 is hereby amended to read as follows: 40-3814. (a) Each administrator licensed under the provisions of this act shall file an annual report for the preceding calendar year with the commissioner on or before July 1 of each year, or within such extension of time as the commissioner may grant for good cause, accompanied by an annual report fee in the amount of \$100. The annual report shall include:

(1) An audited financial statement attested to by an independent certified public accountant. An audited annual financial report prepared on a consolidated basis shall include a columnar consolidating or combining worksheet that shall be filed with the report and include the following:

(A) Amounts shown on the consolidated audited financial report shown on the worksheet;

(B) amounts for each entity stated separately; and

(C) explanations of consolidating and eliminating entries included.

(2) In lieu of submitting an audited financial statement, and upon written application by an administrator and good cause shown, the commissioner may grant a hardship exemption from filing audited financial statements and allow the submission of unaudited financial statements. Acceptable formats for unaudited financial statements, that shall include notes, are:

(A) Reports compiled or reviewed by a certified public accountant; or

(B) internal financial reports prepared in accordance with GAAP, certified by at least two officers, owners or directors of the administrator.

If unaudited financial statements are submitted, the administrator must secure and maintain a surety bond in a form prescribed by the commissioner for the use and benefit of the commissioner to be held in trust for the benefit and protection of covered persons and any payor or self-funded plan against loss by reason of acts of fraud or dishonesty, for the greater of 10% of funds handled for the benefit of Kansas residents or \$20,000.

(b) The annual report shall be in the form and contain such matters as the commissioner prescribes and shall be verified by at least two officers, owners or directors of the administrator.

(c) The annual report shall include the complete names and addresses of all payors and for self-funded plans, all employers and trusts, with which the administrator had agreements during the preceding fiscal year. The report shall also include the number of Kansas residents covered by each of the plans.

Sec. 8. K.S.A. 2018 Supp. 40-2209 is hereby amended to read as follows: 40-2209.

(a) (1) Group sickness and accident insurance is declared to be that form of sickness and accident insurance covering groups of persons, with or without one or more members of their families or one or more dependents. Except at the option of the employee or member and except employees or members enrolling in a group policy after the close of an open enrollment opportunity, no individual employee or member of an insured group and no individual dependent or family member may be excluded from eligibility or

coverage under a policy providing hospital, medical or surgical expense benefits both with respect to policies issued or renewed within this state and with respect to policies issued or renewed outside this state covering persons residing in this state. For purposes of this section, an open enrollment opportunity shall be deemed to be a period no less favorable than a period beginning on the employee's or member's date of initial eligibility and ending 31 days thereafter.

(2) An eligible employee, member or dependent who requests enrollment following the open enrollment opportunity or any special enrollment period for dependents as specified in ~~subsection paragraph~~ (3) shall be considered a late enrollee. An accident and sickness insurer may exclude a late enrollee, except during an open enrollment period. However, an eligible employee, member or dependent shall not be considered a late enrollee if:

(A) The individual:

(i) Was covered under another group policy which provided hospital, medical or surgical expense benefits or was covered under section 607(1) of the employee retirement income security act of 1974 (ERISA) at the time the individual was eligible to enroll;

(ii) states in writing, at the time of the open enrollment period, that coverage under another group policy ~~which that~~ provided hospital, medical or surgical expense benefits was the reason for declining enrollment, but only if the group policyholder or the accident and sickness insurer required such a written statement and provided the individual with notice of the requirement for a written statement and the consequences of such written statement;

(iii) has lost coverage under another group policy providing hospital, medical or surgical expense benefits or under section 607(1) of the employee retirement income security act of 1974 (ERISA) as a result of the termination of employment, reduction in the number of hours of employment, termination of employer contributions toward such coverage, the termination of the other policy's coverage, death of a spouse or divorce or legal separation or was under a COBRA continuation provision and the coverage under such provision was exhausted; and

(iv) requests enrollment within 30 days after the termination of coverage under the other policy; or

(B) a court has ordered coverage to be provided for a spouse or minor child under a covered employee's or member's policy.

(3) (A) If an accident and sickness insurer issues a group policy providing hospital, medical or surgical expenses and makes coverage available to a dependent of an eligible employee or member and such dependent becomes a dependent of the employee or member through marriage, birth, adoption or placement for adoption, then such group policy shall provide for a dependent special enrollment period as described in subsection (3)(B) of this section during which the dependent may be enrolled under the policy and in the case of the birth or adoption of a child, the spouse of an eligible employee or member may be enrolled if otherwise eligible for coverage.

(B) A dependent special enrollment period under this subsection shall be a period of not less than 30 days and shall begin on the later of: (i) The date such dependent coverage is made available; or (ii) the date of the marriage, birth or adoption or placement for adoption.

(C) If an eligible employee or member seeks to enroll a dependent during the first 30 days of such a dependent special enrollment period, the coverage of the dependent shall become effective: (i) In the case of marriage, not later than the first day of the first month beginning after the date the completed request for enrollment is received; (ii) in the case of the birth of a dependent, as of the date of such birth; or (iii) in the case of a dependent's adoption or placement for adoption, the date of such adoption or placement for adoption.

(4) (A) No group policy providing hospital, medical or surgical expense benefits issued or renewed within this state or issued or renewed outside this state covering residents within this state shall limit or exclude benefits for specific conditions existing at or prior to the effective date of coverage thereunder. Such policy may impose a preexisting conditions exclusion, not to exceed 90 days following the date of enrollment for benefits for conditions whether mental or physical, regardless of the cause of the condition for which medical advice, diagnosis, care or treatment was recommended or received in the 90 days prior to the effective date of enrollment. Any preexisting conditions exclusion shall run concurrently with any waiting period.

(B) Such policy may impose a waiting period after full-time employment starts before an employee is first eligible to enroll in any applicable group policy.

(C) A health maintenance organization ~~which that~~ offers such policy ~~which that~~ does not impose any preexisting conditions exclusion may impose an affiliation period for such coverage, provided that: (i) Such application period is applied uniformly without regard to any health status related factors; and (ii) such affiliation period does not exceed two months. The affiliation period shall run concurrently with any waiting period under the plan.

(D) A health maintenance organization may use alternative methods from those described in this subsection to address adverse selection if approved by the commissioner.

(E) For the purposes of this section, the term "preexisting conditions exclusion" shall mean, with respect to coverage, a limitation or exclusion of benefits relating to a condition based on the fact that the condition was present before the date of enrollment for such coverage whether or not any medical advice, diagnosis, care or treatment was recommended or received before such date.

(F) For the purposes of this section, the term "date of enrollment" means the date the individual is enrolled under the group policy or, if earlier, the first day of the waiting period for such enrollment.

(G) For the purposes of this section, the term "waiting period" means with respect to a group policy the period ~~which that~~ must pass before the individual is eligible to be covered for benefits under the terms of the policy.

(5) Genetic information shall not be treated as a preexisting condition in the absence of a diagnosis of the condition related to such information.

(6) A group policy providing hospital, medical or surgical expense benefits may not impose any preexisting condition exclusion relating to pregnancy as a preexisting condition.

(7) A group policy providing hospital, medical or surgical expense benefits may not impose any preexisting condition waiting period in the case of a child who is adopted or placed for adoption before attaining 18 years of age and who, as of the last day of a 30-day period beginning on the date of the adoption or placement for adoption, is covered

by a policy specified in subsection (a). This subsection shall not apply to coverage before the date of such adoption or placement for adoption.

(8) Such policy shall waive such a preexisting conditions exclusion to the extent the employee or member or individual dependent or family member was covered by: (A) A group or individual sickness and accident policy; (B) coverage under section 607(1) of the employees retirement income security act of 1974 (ERISA); (C) a group specified in K.S.A. 40-2222, and amendments thereto; (D) part A or part B of title XVIII of the social security act; (E) title XIX of the social security act, other than coverage consisting solely of benefits under section 1928; (F) a state children's health insurance program established pursuant to title XXI of the social security act; (G) chapter 55 of title 10 United States code; (H) a medical care program of the Indian health service or of a tribal organization; (I) the Kansas uninsurable health plan act pursuant to K.S.A. 40-2217 et seq., and amendments thereto, or a similar health benefits risk pool of another state; (J) a health plan offered under chapter 89 of title 5, United States code; (K) a health benefit plan under section 5(e) of the peace corps act (22 U.S.C. § 2504(e)); or (L) a group subject to K.S.A. 12-2616 et seq., and amendments thereto, ~~which that~~ provided hospital, medical and surgical expense benefits within 63 days prior to the effective date of coverage with no gap in coverage. A group policy shall credit the periods of prior coverage specified in subsection (a)(7) without regard to the specific benefits covered during the period of prior coverage. Any period that the employee or member is in a waiting period for any coverage under a group health plan or is in an affiliation period shall not be taken into account in determining the continuous period under this subsection.

(b) (1) An accident and sickness insurer which offers group policies providing hospital, medical or surgical expense benefits shall provide a certification as described in subsection (b)(2): (A) At the time an eligible employee, member or dependent ceases to be covered under such policy or otherwise becomes covered under a COBRA continuation provision; (B) in the case of an eligible employee, member or dependent being covered under a COBRA continuation provision, at the time such eligible employee, member or dependent ceases to be covered under a COBRA continuation provision; and (C) on the request on behalf of such eligible employee, member or dependent made not later than 24 months after the date of the cessation of the coverage described in ~~subsection (b) paragraph (1)(A) or (b)(1)(B)~~, whichever is later.

(2) The certification described in this subsection is a written certification of: (A) The period of coverage under a policy specified in subsection (a) and any coverage under such COBRA continuation provision; and (B) any waiting period imposed with respect to the eligible employee, member or dependent for any coverage under such policy.

(c) Any group policy may impose participation requirements, define full-time employees or members and otherwise be designed for the group as a whole through negotiations between the group sponsor and the insurer to the extent such design is not contrary to or inconsistent with this act.

(d) (1) An accident and sickness insurer offering a group policy providing hospital, medical or surgical expense benefits must renew or continue in force such coverage at the option of the policyholder or certificateholder except as provided in paragraph (2) below.

(2) An accident and sickness insurer may nonrenew or discontinue coverage under

a group policy providing hospital, medical or surgical expense benefits based only on one or more of the following circumstances:

(A) If the policyholder or certificateholder has failed to pay any premium or contributions in accordance with the terms of the group policy providing hospital, medical or surgical expense benefits or the accident and sickness insurer has not received timely premium payments;

(B) if the policyholder or certificateholder has performed an act or practice that constitutes fraud or made an intentional misrepresentation of material fact under the terms of such coverage;

(C) if the policyholder or certificateholder has failed to comply with a material plan provision relating to employer contribution or group participation rules;

(D) if the accident and sickness insurer is ceasing to offer coverage in such group market in accordance with ~~subsections~~ subsection (d)(3) or ~~(d)~~(4);

(E) in the case of accident and sickness insurer that offers coverage under a policy providing hospital, medical or surgical expense benefits through an enrollment area, there is no longer any eligible employee, member or dependent in connection with such policy who lives, resides or works in the medical service enrollment area of the accident and sickness insurer or in the area for which the accident and sickness insurer is authorized to do business; or

(F) in the case of a group policy providing hospital, medical or surgical expense benefits ~~which that~~ is offered through an association or trust pursuant to ~~subsections~~ subsection (f)(3) or ~~(f)~~(5), the membership of the employer in such association or trust ceases but only if such coverage is terminated uniformly without regard to any health status related factor relating to any eligible employee, member or dependent.

(3) In any case in which an accident and sickness insurer ~~which that~~ offers a group policy providing hospital, medical or surgical expense benefits decides to discontinue offering such type of group policy, such coverage may be discontinued only if:

(A) The accident and sickness insurer notifies all policyholders and certificateholders and all eligible employees or members of such discontinuation at least 90 days prior to the date of the discontinuation of such coverage;

(B) the accident and sickness insurer offers to each policyholder who is provided such group policy providing hospital, medical or surgical expense benefits ~~which that~~ is being discontinued the option to purchase any other group policy providing hospital, medical or surgical expense benefits currently being offered by such accident and sickness insurer; and

(C) in exercising the option to discontinue coverage and in offering the option of coverage under subparagraph (B), the accident and sickness insurer acts uniformly without regard to the claims experience of those policyholders or certificateholders or any health status related factors relating to any eligible employee, member or dependent covered by such group policy or new employees or members who may become eligible for such coverage.

(4) If the accident and sickness insurer elects to discontinue offering group policies providing hospital, medical or surgical expense benefits or group coverage to a small employer pursuant to K.S.A. 40-2209f, and amendments thereto, such coverage may be discontinued only if:

(A) The accident and sickness insurer provides notice to the insurance commissioner, to all policyholders or certificateholders and to all eligible employees

and members covered by such group policy providing hospital, medical or surgical expense benefits at least 180 days prior to the date of the discontinuation of such coverage;

(B) all group policies providing hospital, medical or surgical expense benefits offered by such accident and sickness insurer are discontinued and coverage under such policies are not renewed; and

(C) the accident and sickness insurer may not provide for the issuance of any group policies providing hospital, medical or surgical expense benefits in the discontinued market during a five year period beginning on the date of the discontinuation of the last such group policy which is nonrenewed.

(e) An accident and sickness insurer offering a group policy providing hospital, medical or surgical expense benefits may not establish rules for eligibility (including continued eligibility) of any employee, member or dependent to enroll under the terms of the group policy based on any of the following factors in relation to the eligible employee, member or dependent: (A) Health status; (B) medical condition, including both physical and mental illness; (C) claims experience; (D) receipt of health care; (E) medical history; (F) genetic information; (G) evidence of insurability, including conditions arising out of acts of domestic violence; or (H) disability. This subsection shall not be construed to require a policy providing hospital, medical or surgical expense benefits to provide particular benefits other than those provided under the terms of such group policy or to prevent a group policy providing hospital, medical or surgical expense benefits from establishing limitations or restrictions on the amount, level, extent or nature of the benefits or coverage for similarly situated individuals enrolled under the group policy.

(f) Group accident and health insurance may be offered to a group under the following basis:

(1) Under a policy issued to an employer or trustees of a fund established by an employer, who is the policyholder, insuring at least two employees of such employer, for the benefit of persons other than the employer. The term "employees" shall include the officers, managers, employees and retired employees of the employer, the partners, if the employer is a partnership, the proprietor, if the employer is an individual proprietorship, the officers, managers and employees and retired employees of subsidiary or affiliated corporations of a corporation employer, and the individual proprietors, partners, employees and retired employees of individuals and firms, the business of which and of the insured employer is under common control through stock ownership contract, or otherwise. The policy may provide that the term "employees" may include the trustees or their employees, or both, if their duties are principally connected with such trusteeship. A policy issued to insure the employees of a public body may provide that the term "employees" shall include elected or appointed officials.

(2) Under a policy issued to a labor union ~~which that~~ shall have a constitution and bylaws insuring at least 25 members of such union.

(3) Under a policy issued to the trustees of a fund established by two or more employers or business associations or by one or more labor unions or by one or more employers and one or more labor unions, which trustees shall be the policyholder, to insure employees of the employers or members of the union or members of the association for the benefit of persons other than the employers or the unions or the

associations. The term "employees" shall include the officers, managers, employees and retired employees of the employer and the individual proprietor or partners if the employer is an individual proprietor or partnership. The policy may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship.

(4) A policy issued to a creditor, who shall be deemed the policyholder, to insure debtors of the creditor, subject to the following requirements: ~~(a)~~ (A) The debtors eligible for insurance under the policy shall be all of the debtors of the creditor whose indebtedness is repayable in installments, or all of any class or classes determined by conditions pertaining to the indebtedness or to the purchase giving rise to the indebtedness; ~~(b)~~; and (B) the premium for the policy shall be paid by the policyholder, either from the creditor's funds or from charges collected from the insured debtors, or from both.

(5) A policy issued to an association ~~which~~ that has been organized and is maintained for the purposes other than that of obtaining insurance, insuring ~~at least 25~~ members, employees, or employees of members of the association for the benefit of persons other than the association or its officers. The term "employees" shall include retired employees. The premiums for the policies shall be paid by the policyholder, either wholly from association funds; or funds contributed by the members of such association, or by employees of such members or any combination thereof.

(6) Under a policy issued to any other type of group which the commissioner of insurance may find is properly subject to the issuance of a group sickness and accident policy or contract.

(g) Each such policy shall contain in substance: (1) A provision that a copy of the application, if any, of the policyholder shall be attached to the policy when issued, that all statements made by the policyholder or by the persons insured shall be deemed representations and not warranties, and that no statement made by any person insured shall be used in any contest unless a copy of the instrument containing the statement is or has been furnished to such person or the insured's beneficiary.

(2) A provision setting forth the conditions under which an individual's coverage terminates under the policy, including the age, if any, to which an individual's coverage under the policy shall be limited, or, the age, if any, at which any additional limitations or restrictions are placed upon an individual's coverage under the policy.

(3) Provisions setting forth the notice of claim, proofs of loss and claim forms, physical examination and autopsy, time of payment of claims, to whom benefits are payable, payment of claims, change of beneficiary, and legal action requirements. Such provisions shall not be less favorable to the individual insured or the insured's beneficiary than those corresponding policy provisions required to be contained in individual accident and sickness policies.

(4) A provision that the insurer will furnish to the policyholder, for the delivery to each employee or member of the insured group, an individual certificate approved by the commissioner of insurance setting forth in summary form a statement of the essential features of the insurance coverage of such employee or member, the procedure to be followed in making claim under the policy and to whom benefits are payable. Such certificate shall also contain a summary of those provisions required under paragraphs (2) and (3) ~~of this subsection (g)~~ in addition to the other essential features of the insurance coverage. If dependents are included in the coverage, only one certificate

need be issued for each family unit.

(h) No group disability income policy ~~which that~~ integrates benefits with social security benefits, shall provide that the amount of any disability benefit actually being paid to the disabled person shall be reduced by changes in the level of social security benefits resulting either from changes in the social security law or due to cost of living adjustments which become effective after the first day for which disability benefits become payable.

(i) A group policy of insurance delivered or issued for delivery or renewed ~~which that~~ provides hospital, surgical or major medical expense insurance, or any combination of these coverages, on an expense incurred basis, shall provide that an employee or member or such employee's or member's covered dependents whose insurance under the group policy has been terminated for any reason, including discontinuance of the group policy in its entirety or with respect to an insured class, and who has been continuously insured under the group policy or under any group policy providing similar benefits ~~which that~~ it replaces for at least three months immediately prior to termination, shall be entitled to have such coverage nonetheless continued under the group policy for a period of 18 months and have issued to the employee or member or such employee's or member's covered dependents by the insurer, at the end of such eighteen-month period of continuation, a policy of health insurance ~~which that~~ conforms to the applicable requirements specified in this subsection. This requirement shall not apply to a group policy which provides benefits for specific diseases or for accidental injuries only or a group policy issued to an employer subject to the continuation and conversion obligations set forth at title I, subtitle B, part 6 of the employee retirement income security act of 1974 or at title XXII of the public health service act, as each act was in effect on January 1, 1987, to the extent federal law provides the employee or member or such employee's or member's covered dependents with equal or greater continuation or conversion rights; or an employee or member or such employee's or member's covered dependents shall not be entitled to have such coverage continued or a converted policy issued to the employee or member or such employee's or member's covered dependents if termination of the insurance under the group policy occurred because:

(1) The employee or member or such employee's or member's covered dependents failed to pay any required contribution after receiving reasonable notice of such required contribution from the insurer in accordance with rules and regulations adopted by the commissioner of insurance; (2) any discontinued group coverage was replaced by similar group coverage within 31 days; (3) the employee or member is or could be covered by medicare (title XVIII of the United States social security act as added by the social security amendments of 1965 or as later amended or superseded); (4) the employee or member is or could be covered to the same extent by any other insured or lawful self-insured arrangement which provides expense incurred hospital, surgical or medical coverage and benefits for individuals in a group under which the person was not covered prior to such termination; or (5) coverage for the employee or member, or any covered dependent thereof, was terminated for cause as permitted by the group policy or certificate of coverage approved by the commissioner. In the event the group policy is terminated and not replaced the insurer may issue an individual policy or certificate in lieu of a conversion policy or the continuation of group coverage required herein if the individual policy or certificate provides substantially similar coverage for

the same or less premium as the group policy. In any event, the employee or member shall have the option to be issued a conversion policy ~~which that~~ meets the requirements set forth in this subsection in lieu of the right to continue group coverage.

(j) The continued coverage and the issuance of a converted policy shall be subject to the following conditions:

(1) Written application for the converted policy shall be made and the first premium paid to the insurer not later than 31 days after termination of coverage under the group policy or not later than 31 days after notice is received pursuant to paragraph (20) of this subsection.

(2) The converted policy shall be issued without evidence of insurability.

(3) The employer shall give the employee and such employee's covered dependents reasonable notice of the right to continuation of coverage. The terminated employee or member shall pay to the insurance carrier the premium for the eighteen-month continuation of coverage and such premium shall be the same as that applicable to members or employees remaining in the group. Failure to pay such premium shall terminate coverage under the group policy at the end of the period for which the premium has been paid. The premium rate charged for converted policies issued subsequent to the period of continued coverage shall be such that can be expected to produce an anticipated loss ratio of not less than 80% based upon conversion, morbidity and reasonable assumptions for expected trends in medical care costs. In the event the group policy is terminated and is not replaced, converted policies may be issued at self-sustaining rates that are not unreasonable in relation to the coverage provided based on conversion, morbidity and reasonable assumptions for expected trends in medical care costs. The frequency of premium payment shall be the frequency customarily required by the insurer for the policy form and plan selected, provided that the insurer shall not require premium payments less frequently than quarterly.

(4) The effective date of the converted policy shall be the day following the termination of insurance under the group policy.

(5) The converted policy shall cover the employee or member and the employee's or member's dependents who were covered by the group policy on the date of termination of insurance. At the option of the insurer, a separate converted policy may be issued to cover any dependent.

(6) The insurer shall not be required to issue a converted policy covering any person if such person is or could be covered by medicare (title XVIII of the United States social security act as added by the social security amendments of 1965 or as later amended or superseded). Furthermore, the insurer shall not be required to issue a converted policy covering any person if:

(A) (i) Such person is covered for similar benefits by another hospital, surgical, medical or major medical expense insurance policy or hospital or medical service subscriber contract or medical practice or other prepayment plan or by any other plan or program, or

(ii) such person is eligible for similar benefits (whether or not covered therefor) under any arrangement of coverage for individuals in a group, whether on an insured or uninsured basis, or

(iii) similar benefits are provided for or available to such person, pursuant to or in accordance with the requirements of any state or federal law, and

(B) the benefits provided under the sources referred to in ~~clause subparagraph~~ (A)

(i) ~~above~~ for such person or benefits provided or available under the sources referred to in ~~clauses subparagraphs~~ (A)(ii) and ~~(A)(iii)~~ ~~above~~ for such person, together with the benefits provided by the converted policy, would result in over-insurance according to the insurer's standards. The insurer's standards must bear some reasonable relationship to actual health care costs in the area in which the insured lives at the time of conversion and must be filed with the commissioner of insurance prior to their use in denying coverage.

(7) A converted policy may include a provision whereby the insurer may request information in advance of any premium due date of such policy of any person covered as to whether:

(A) Such person is covered for similar benefits by another hospital, surgical, medical or major medical expense insurance policy or hospital or medical service subscriber contract or medical practice or other prepayment plan or by any other plan or program;

(B) such person is covered for similar benefits under any arrangement of coverage for individuals in a group, whether on an insured or uninsured basis; or

(C) similar benefits are provided for or available to such person, pursuant to or in accordance with the requirements of any state or federal law.

(8) The converted policy may provide that the insurer may refuse to renew the policy and the coverage of any person insured for the following reasons only:

(A) Either the benefits provided under the sources referred to in ~~clauses paragraph~~ (6) (A)(i) and ~~(A)(ii)~~ ~~of paragraph (6)~~ for such person or benefits provided or available under the sources referred to in ~~clause (A)(iii)~~ (A)(iii) of paragraph (6) ~~(A)(iii)~~ for such person, together with the benefits provided by the converted policy, would result in over-insurance according to the insurer's standards on file with the commissioner of insurance, or the converted policyholder fails to provide the requested information;

(B) fraud or material misrepresentation in applying for any benefits under the converted policy; or

(C) other reasons approved by the commissioner of insurance.

(9) An insurer shall not be required to issue a converted policy ~~which~~ that provides coverage and benefits in excess of those provided under the group policy from which conversion is made.

(10) If the converted policy provides that any hospital, surgical or medical benefits payable may be reduced by the amount of any such benefits payable under the group policy after the termination of the individual's insurance or the converted policy includes provisions so that during the first policy year the benefits payable under the converted policy, together with the benefits payable under the group policy, shall not exceed those that would have been payable had the individual's insurance under the group policy remained in force and effect, the converted policy shall provide credit for deductibles, copayments and other conditions satisfied under the group policy.

(11) Subject to the provisions and conditions of this act, if the group insurance policy from which conversion is made insures the employee or member for major medical expense insurance, the employee or member shall be entitled to obtain a converted policy providing catastrophic or major medical coverage under a plan meeting the following requirements:

(A) A maximum benefit at least equal to either, at the option of the insurer, ~~paragraphs~~ the amount described in clause (i) or (ii) ~~below~~:

(i) The smaller of the following amounts:

The maximum benefit provided under the group policy or a maximum payment of \$250,000 per covered person for all covered medical expenses incurred during the covered person's lifetime.

(ii) The smaller of the following amounts:

The maximum benefit provided under the group policy or a maximum payment of \$250,000 for each unrelated injury or sickness.

(B) Payment of benefits at the rate of 80% of covered medical expenses ~~which that~~ are in excess of the deductible, until 20% of such expenses in a benefit period reaches \$1,000, after which benefits will be paid at the rate of 100% during the remainder of such benefit period. Payment of benefits for outpatient treatment of mental illness, if provided in the converted policy, may be at a lesser rate but not less than 50%.

(C) A deductible for each benefit period which, at the option of the insurer, shall be: (i) The sum of the benefits deductible and \$100; or (ii) the corresponding deductible in the group policy. The term "benefits deductible," as used herein, means the value of any benefits provided on an expense incurred basis ~~which that~~ are provided with respect to covered medical expenses by any other hospital, surgical, or medical insurance policy or hospital or medical service subscriber contract or medical practice or other prepayment plan, or any other plan or program whether on an insured or uninsured basis, or in accordance with the requirements of any state or federal law and, if pursuant to the conditions of paragraph (13), the converted policy provides both basic hospital or surgical coverage and major medical coverage, the value of such basic benefits.

If the maximum benefit is determined by ~~clause subparagraph (A)(ii) of this paragraph~~, the insurer may require that the deductible be satisfied during a period of not less than three months if the deductible is \$100 or less, and not less than six months if the deductible exceeds \$100.

(D) The benefit period shall be each calendar year when the maximum benefit is determined by ~~clause subparagraph (A)(i) of this paragraph~~ or 24 months when the maximum benefit is determined by ~~clause subparagraph (A)(ii) of this paragraph~~.

(E) The term "covered medical expenses," as used above, shall include at least, in the case of hospital room and board charges 80% of the average semiprivate room and board rate for the hospital in which the individual is confined and twice such amount for charges in an intensive care unit. Any surgical schedule shall be consistent with those customarily offered by the insurer under group or individual health insurance policies and must provide at least a \$1,200 maximum benefit.

(12) The conversion privilege required by this act shall, if the group insurance policy insures the employee or member for basic hospital or surgical expense insurance as well as major medical expense insurance, make available the plans of benefits set forth in paragraph (11). At the option of the insurer, such plans of benefits may be provided under one policy.

The insurer may also, in lieu of the plans of benefits set forth in paragraph (11), provide a policy of comprehensive medical expense benefits without first dollar coverage. The policy shall conform to the requirements of paragraph (11). An insurer electing to provide such a policy shall make available a low deductible option, not to exceed \$100, a high deductible option between \$500 and \$1,000, and a third deductible option midway between the high and low deductible options.

(13) The insurer, at its option, may also offer alternative plans for group health conversion in addition to those required by this act.

(14) In the event coverage would be continued under the group policy on an employee following the employee's retirement prior to the time the employee is or could be covered by medicare, the employee may elect, in lieu of such continuation of group insurance, to have the same conversion rights as would apply had such person's insurance terminated at retirement by reason of termination of employment or membership.

(15) The converted policy may provide for reduction of coverage on any person upon such person's eligibility for coverage under medicare (title XVIII of the United States social security act as added by the social security amendments of 1965 or as later amended or superseded) or under any other state or federal law providing for benefits similar to those provided by the converted policy.

(16) Subject to the conditions set forth above, the continuation and conversion privileges shall also be available:

(A) To the surviving spouse, if any, at the death of the employee or member, with respect to the spouse and such children whose coverage under the group policy terminates by reason of such death, otherwise to each surviving child whose coverage under the group policy terminates by reason of such death, or, if the group policy provides for continuation of dependents' coverage following the employee's or member's death, at the end of such continuation;

(B) to the spouse of the employee or member upon termination of coverage of the spouse, while the employee or member remains insured under the group policy, by reason of ceasing to be a qualified family member under the group policy, with respect to the spouse and such children whose coverage under the group policy terminates at the same time; or

(C) to a child solely with respect to such child upon termination of such coverage by reason of ceasing to be a qualified family member under the group policy, if a conversion privilege is not otherwise provided above with respect to such termination.

(17) The insurer may elect to provide group insurance coverage ~~which that~~ complies with this act in lieu of the issuance of a converted individual policy.

(18) A notification of the conversion privilege shall be included in each certificate of coverage.

(19) A converted policy ~~which that~~ is delivered outside this state must be on a form ~~which that~~ could be delivered in such other jurisdiction as a converted policy had the group policy been issued in that jurisdiction.

(20) The insurer shall give the employee or member and such employee's or member's covered dependents: (A) Reasonable notice of the right to convert at least once during the eighteen-month continuation period; or (B) for persons covered under 29 U.S.C. §§ 1161 et seq., notice of the right to a conversion policy required by this subsection (d) shall be given at least 30 days prior to the end of the continuation period provided by 29 U.S.C. §§ 1161 et seq. or from the date the employer ceases to provide any similar group health plan to any employee. Such notices shall be provided in accordance with rules and regulations adopted by the commissioner of insurance.

(k) (1) No policy issued by an insurer to which this section applies shall contain a provision ~~which that~~ excludes, limits or otherwise restricts coverage because medicaid benefits as permitted by title XIX of the social security act of 1965 are or may be

available for the same accident or illness.

(2) Violation of this subsection shall be subject to the penalties prescribed by K.S.A. 40-2407 and 40-2411, and amendments thereto.

(l) The commissioner is hereby authorized to adopt such rules and regulations as may be necessary to carry out the provisions of this section.

Sec. 9. K.S.A. 40-2209b is hereby amended to read as follows: 40-2209b. (a) The provisions of K.S.A. 40-2209b through 40-2209j and 40-2209m through 40-2209o, and amendments thereto, shall be known and may be cited as the small employer health insurance availability act.

(b) The purpose and intent of this the small employer health insurance availability act are to promote the availability of health insurance coverage to small employers regardless of their health status or claims experience, to prevent abusive rating practices, to require disclosure of rating practices to purchasers, to establish rules regarding renewability of coverage, to establish limitations on the use of pre-existing condition exclusions, to provide for development of "basic" and "standard" health benefit plans to be offered to all small employers, to provide for establishment of a reinsurance program, and to improve the overall fairness and efficiency of the small group health insurance market.

Sec. 10. K.S.A. 2018 Supp. 40-2209d is hereby amended to read as follows: 40-2209d. As used in ~~this the small employer health insurance availability act:~~

(a) "Actuarial certification" means a written statement by a member of the American academy of actuaries or other individual acceptable to the commissioner that a small employer carrier is in compliance with the provisions of K.S.A. 40-2209h, and amendments thereto, based upon the person's examination, including a review of the appropriate records and of the actuarial assumptions and methods used by the small employer carrier in establishing premium rates for applicable health benefit plans.

(b) "Approved service area" means a geographical area, as approved by the commissioner to transact insurance in this state, within which the carrier is authorized to provide coverage.

(c) "Base premium rate" means, for each class of business as to a rating period, the lowest premium rate charged or that could have been charged under the rating system for that class of business, by the small employer carrier to small employers with similar case characteristics for health benefit plans with the same or similar coverage.

(d) "Carrier" or "small employer carrier" means any insurance company, nonprofit medical and hospital service corporation, nonprofit optometric, dental, and pharmacy service corporations, municipal group-funded pool, fraternal benefit society or health maintenance organization, as these terms are defined ~~by in chapter 40 of the Kansas Statutes Annotated, and amendments thereto,~~ that offers health benefit plans covering eligible employees of one or more small employers in this state.

(e) "Case characteristics" means, with respect to a small employer, the geographic area in which the employees reside; the age and sex of the individual employees and their dependents; the appropriate industry classification as determined by the carrier, and the number of employees and dependents and such other objective criteria as may be approved family composition by the commissioner. "Case characteristics" shall not include claim experience, health status and duration of coverage since issue.

(f) "Class of business" means all or a separate grouping of small employers established pursuant to K.S.A. 40-2209g, and amendments thereto.

- (g) "Commissioner" means the commissioner of insurance.
- (h) "Department" means the insurance department.
- (i) "Dependent" means the spouse or child of an eligible employee, subject to applicable terms of the health benefits plan covering such employee and the dependent eligibility standards established by the board.
- (j) "Eligible employee" means an employee who works on a full-time basis, with a normal work week of 30 or more hours, and includes a sole proprietor, a partner of a partnership or an independent contractor, provided such sole proprietor, partner or independent contractor is included as an employee under a health benefit plan of a small employer but does not include an employee who works on a part-time, temporary or substitute basis.
- (k) "Financially impaired" means a member which, after the effective date of this act, is not insolvent but is:
- (1) Deemed by the commissioner to be in a hazardous financial condition pursuant to K.S.A. 40-222d, and amendments thereto; or
 - (2) placed under an order of rehabilitation or conservation by a court of competent jurisdiction.
- (l) "Health benefit plan" means any hospital or medical expense policy, health, hospital or medical service corporation contract, ~~and~~ a plan provided by a municipal group-funded pool, or ~~a~~ health maintenance organization contract offered by an employer or any certificate issued under any such policies, contracts or plans. "Health benefit plan" also includes a cafeteria plan authorized by 26 U.S.C. ~~section § 125~~ section § 125 ~~which that~~ offers the option of receiving health insurance coverage through a high deductible health plan and the establishment of a health savings account. In order for an eligible individual to obtain a high deductible health plan through the cafeteria plan, such individual shall present evidence to the employer that such individual has established a health savings account in compliance with 26 U.S.C. ~~section § 223~~, and any ~~amendments and regulations promulgated thereunder~~. "Health benefit plan" does not include policies or certificates covering only accident, credit, dental, disability income, long-term care, hospital indemnity, medicare supplement, specified disease, vision care, coverage issued as a supplement to liability insurance, insurance arising out of a workers compensation or similar law, automobile medical-payment insurance, or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.
- (m) "Health savings account" ~~shall have the same meaning ascribed to it~~ means the same as in subsection (d) of 26 U.S.C. section § 223(d).
- (n) "High deductible health plan" ~~shall mean~~ means a policy or contract of health insurance or health care plan that meets the criteria established in ~~subsection (c)~~ of 26 U.S.C. ~~section § 223(c)~~ and any regulations promulgated thereunder.
- (o) "Index rate" means, for each class of business as to a rating period for small employers with similar case characteristics, the arithmetic average of the applicable base premium rate and the corresponding highest premium rate.
- (p) "Initial enrollment period" means the period of time specified in the health benefit plan during which an individual is first eligible to enroll in a small employer health benefit plan. Such period shall be no less favorable than a period beginning on the employee's or member's date of initial eligibility and ending 31 days thereafter.

(q) "Late enrollee" means an eligible employee or dependent who requests enrollment in a small employer's health benefit plan following the initial enrollment period provided under the terms of the first plan for which such employee or dependent was eligible through such small employer, however an eligible employee or dependent shall not be considered a late enrollee if:

(1) The individual:

(A) Was covered under another employer-provided health benefit plan or was covered under section 607(1) of the employee retirement income security act of 1974 (ERISA) at the time the individual was eligible to enroll;

(B) states in writing, at the time of the initial eligibility, that coverage under another employer health benefit plan was the reason for declining enrollment but only if the group policyholder or the accident and sickness issuer required such a written statement and provided the individual with notice of the requirement for a written statement and the consequences of such written statement;

(C) has lost coverage under another employer health benefit plan or under section 607(1) of the employee retirement income security act of 1974 (ERISA) as a result of the termination of employment, reduction in the number of hours of employment, termination of employer contributions toward such coverage, the termination of the other plan's coverage, death of a spouse, or divorce or legal separation; and

(D) requests enrollment within 63 days after the termination of coverage under another employer health benefit plan; or

(2) the individual is employed by an employer who offers multiple health benefit plans and the individual elects a different health benefit plan during an open enrollment period; or

(3) a court has ordered coverage to be provided for a spouse or minor child under a covered employee's plan.

(r) "New business premium rate" means, for each class of business as to a rating period, the lowest premium rate charged or offered, or which could have been charged or offered, by the small employer carrier to small employers with similar case characteristics for newly issued health benefit plans with the same or similar coverage.

(s) "Preexisting conditions exclusion" means a policy provision which excludes or limits coverage for charges or expenses incurred during a specified period not to exceed 90 days following the insured's effective date of enrollment as to a condition, whether physical or mental, regardless of the cause of the condition for which medical advice, diagnosis, care or treatment was recommended or received in the six months immediately preceding the effective date of enrollment.

(t) "Premium" means moneys paid by a small employer or eligible employees or both as a condition of receiving coverage from a small employer carrier, including any fees or other contributions associated with the health benefit plan.

(u) "Rating period" means the calendar period for which premium rates established by a small employer carrier are assumed to be in effect but any period of less than one year shall be considered as a full year.

(v) "Waiting period" means a period of time after full-time employment begins before an employee is first eligible to enroll in any applicable health benefit plan offered by the small employer.

(w) "Small employer" means any person, firm, corporation, ~~or partnership or association~~ eligible for group sickness and accident insurance pursuant to ~~subsection (a)~~

of K.S.A. 40-2209, and amendments thereto, actively engaged in business whose total employed work force consisted of, on at least 50% of its working days during the preceding year, of at least two and no more than 50 eligible employees, the majority of whom were employed within the state. In determining the number of eligible employees, employees participating in an association health plan shall be counted in the aggregate at the association level. Also in determining the number of eligible employees ~~companies which that~~ are affiliated companies or ~~which that~~ are eligible to file a combined tax return for purposes of state taxation, shall be considered one employer. Except as otherwise specifically provided, ~~the provisions of this act which the small employer health insurance availability act~~ apply to a small employer ~~which that~~ has a health benefit plan shall continue to apply until the plan anniversary following the date the employer no longer meets the requirements of this definition.

(x) "Affiliate" or "affiliated" means an entity or person who directly or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, a specified entity or person.

(y) "Association health plan" or "AHP" means a coverage for the payment of expenses described in K.S.A. 40-2222, and amendments thereto, offered by a qualified trade, merchant, retail or professional association or business league that complies with the provisions of K.S.A. 40-2222a and 40-2222b, and amendments thereto.

(z) "Qualified trade, merchant, retail or professional association or business league" means any bona fide trade merchant, retail or professional association or business league that: (1) Has been in existence for at least five calendar years; (2) is comprised of five or more employers; and (3) is incorporated in this state, has a principal office located in this state, or has a principal office within a metropolitan area that has boundaries within this state.

Sec. 11. K.S.A. 40-2209e is hereby amended to read as follows: 40-2209e. (a) Any individual or group health benefit plan issued to a group authorized by ~~subsection (a) of~~ K.S.A. 40-2209(a), and amendments thereto, shall be subject to the provisions of this act if it provides health care benefits covering employees of a small employer and if it meets any one of the following conditions:

(1) Any portion of the premium is paid by a small employer, or any covered individual, whether through wage adjustments, reimbursement, withholding or otherwise;

(2) the health benefit plan is treated by the employer or any of the covered individuals as part of a plan or program for the purposes of section 106 or section 162 of the United States internal revenue code; or

(3) with the permission of the board, the carrier elects to renew or continue a health benefit plan covering employees of an employer who no longer meets the definition of a "small employer."

(b) ~~For purposes of this act an aggregation of two or more small employers covered under a trust arrangement or a policy issued to an association of small employers pursuant to K.S.A. 40-2209, and amendments thereto, shall permit employee or member units of more than two but less than 51 employees or members and their dependents to participate in any health benefit plan to which this act applies. Any group which includes employee or member units of 50 or fewer employees shall be subject to the provisions of this act notwithstanding its inclusion of employee or member units with more than 50 employees or members.~~

(e)—Except as expressly provided in this act, no health benefit plan offered to a small employer shall be subject to:

(1) Any law that would inhibit any carrier from contracting with providers or groups of providers with respect to health care services or benefits;

(2) any law that would impose any restriction on the ability to negotiate with providers regarding the level or method of reimbursing care or services provided under the health benefit plan.

(d)(c) Individual policies of accident and sickness insurance issued to individuals and their dependents totally independent of any group, association or trust arrangement permitted under K.S.A. 40-2209, and amendments thereto, shall not be subject to the provisions of this act.

Sec. 12. K.S.A. 2018 Supp. 40-2222 is hereby amended to read as follows: 40-2222. (a) Any person or other entity—~~which that~~ provides coverage in this state for medical, surgical, chiropractic, physical therapy, speech pathology, audiology, professional mental health, dental, hospital, or optometric expenses, whether such coverage is by direct payment, reimbursement, or otherwise, shall be presumed to be subject to the jurisdiction of the commissioner of insurance unless the person or other entity:

(1) Is a professional association of architects incorporated in Kansas on October 4, 1954, ~~which that~~ provides coverage for the payment of expenses described herein to or for the members of the association or dependents through a trust established November 1, 1986, and complies with K.S.A. 40-2222a, and amendments thereto;

(2) is a professional association of dentists incorporated in Kansas on July 3, 1972, ~~which that~~ provides coverage for the payment of expenses described herein to or for the members of the association or dependents through ~~a an established~~ trust established ~~November 1, 1985,~~ and complies with K.S.A. 40-2222a, and amendments thereto;

(3) (A) is a trade association of banks incorporated in Kansas on August 9, 1978, ~~which that~~ provides coverage for the payment of expenses described herein to or for the members of the association or dependents through a trust established July 1, 1989, and complies with K.S.A. 40-2222a, and amendments thereto; or

(B) is a trade organization of banks incorporated in Kansas on June 1, 1982, ~~which that~~ provides coverage for expenses described herein to or for members of the association or dependents, and complies with K.S.A. 40-2222a, and amendments thereto;

(4) is a trade association of truckers incorporated in Kansas on July 1, 1985, ~~which that~~ provides coverage for the payment of expenses described herein to or for the members of the association or dependents through a trust established January 1, 1990, and complies with K.S.A. 40-2222a, and amendments thereto;

(5) is an association of physicians practicing in the Kansas City metropolitan area, incorporated in Missouri on March 5, 1891, and qualified as a foreign corporation in Kansas on May 19, 1987, ~~which that~~ provides coverage for the payment of expenses described herein to or for the members of the association, their employees and dependents through a trust established November 1, 1984, and complies with K.S.A. 40-2222a, and amendments thereto;

(6) is organized as a farmers' cooperative under the Kansas cooperative marketing act, K.S.A. 17-1601 et seq., and amendments thereto, on January 13, 1983, and is an association of farmers' cooperatives and other like associations operated on a

cooperative basis and their affiliated companies, ~~which that~~ provides benefits for employees, and family members of such employees, of such associations, and complies with K.S.A. 40-2222a, and amendments thereto;

(7) is any other qualified trade, merchant, retail, or professional association or business league ~~incorporated in Kansas which that provides coverage for the payment of expenses described herein to or for the members of the association, their employees and dependents and that~~ complies with K.S.A. 40-2222a, and amendments thereto;

(8) conclusively shows by submission of an appropriate certificate, license, letter or other document issued by the United States department of labor that such person or entity is not subject to Kansas law; or

(9) conclusively shows that it is subject to the jurisdiction of an agency of this state or the federal government. For purposes of this act, tax exempt status under section 501(c) of the federal internal revenue code of 1986 shall not be deemed to be jurisdiction of the federal government.

(b) For the purposes of this section, a qualified trade, merchant, retail or professional association or business league ~~shall mean any bona fide trade, merchant, retail or professional association or business league that:~~

~~(1) Has been in existence for at least five calendar years; and~~

~~(2) is comprised of five or more employers means the same as in K.S.A. 40-2209d, and amendments thereto.~~

Sec. 13. On and after July 1, 2019, K.S.A. 2018 Supp. 40-2222, as amended by section 12 of this act, is hereby amended to read as follows: 40-2222. (a) Any person or other entity that provides coverage in this state for medical, surgical, chiropractic, physical therapy, speech pathology, audiology, professional mental health, dental, hospital, or optometric expenses, whether such coverage is by direct payment, reimbursement, or otherwise, shall be presumed to be subject to the jurisdiction of the commissioner of insurance unless the person or other entity:

(1) Is a professional association of architects incorporated in Kansas on October 4, 1954, that provides coverage for the payment of expenses described herein to or for the members of the association or dependents through a trust established November 1, 1986, and complies with K.S.A. 40-2222a, and amendments thereto;

(2) is a professional association of dentists incorporated in Kansas on July 3, 1972, that provides coverage for the payment of expenses described herein to or for the members of the association or dependents through an established trust and complies with K.S.A. 40-2222a, and amendments thereto;

(3) (A) is a trade association of banks incorporated in Kansas on August 9, 1978, that provides coverage for the payment of expenses described herein to or for the members of the association or dependents through a trust established July 1, 1989, and complies with K.S.A. 40-2222a, and amendments thereto; or

(B) is a trade organization of banks incorporated in Kansas on June 1, 1982, that provides coverage for expenses described herein to or for members of the association or dependents, and complies with K.S.A. 40-2222a, and amendments thereto;

(4) is a trade association of truckers incorporated in Kansas on July 1, 1985, that provides coverage for the payment of expenses described herein to or for the members of the association or dependents through a trust established January 1, 1990, and complies with K.S.A. 40-2222a, and amendments thereto;

(5) is an association of physicians practicing in the Kansas City metropolitan area,

incorporated in Missouri on March 5, 1891, and qualified as a foreign corporation in Kansas on May 19, 1987, that provides coverage for the payment of expenses described herein to or for the members of the association, their employees and dependents through a trust established November 1, 1984, and complies with K.S.A. 40-2222a, and amendments thereto;

(6) is organized as a farmers' cooperative under the Kansas cooperative marketing act, K.S.A. 17-1601 et seq., and amendments thereto, on January 13, 1983, and is an association of farmers' cooperatives and other like associations operated on a cooperative basis and their affiliated companies, that provides benefits for employees, and family members of such employees, of such associations, and complies with K.S.A. 40-2222a, and amendments thereto;

(7) is any other qualified trade, merchant, retail, or professional association or business league that provides coverage for the payment of expenses described herein to or for the members of the association, their employees and dependents and that complies with K.S.A. 40-2222a, and amendments thereto;

(8) conclusively shows by submission of an appropriate certificate, license, letter or other document issued by the United States department of labor that such person or entity is not subject to Kansas law; or

(9) conclusively shows that it is subject to the jurisdiction of an agency of this state or the federal government. For purposes of this act, tax exempt status under section 501(c) of the federal internal revenue code of 1986 shall not be deemed to be jurisdiction of the federal government.

(10) is a nonprofit agricultural membership organization incorporated in Kansas on June 23, 1931, or an affiliate thereof, that provides healthcare benefit coverage for the payment of expenses described herein to or for the members of the organization and their dependents. Notwithstanding any provision of law to the contrary, the healthcare benefit coverage described in this paragraph shall not be considered insurance. The risk under such coverage may be reinsured by a company authorized to conduct reinsurance in Kansas. Providers of healthcare benefit coverage shall file a signed, certified actuarial statement of plan reserves annually with the commissioner of insurance.

(b) For the purposes of this section, a qualified trade, merchant, retail or professional association or business league means the same as in K.S.A. 40-2209d, and amendments thereto.

Sec. 14. K.S.A. 2018 Supp. 40-2222a is hereby amended to read as follows: 40-2222a. At the time the initial application for coverage is taken with respect to new applicants and upon the first renewal, reinstatement or extension of coverage following the effective date of this act with respect to persons previously covered, each association described in ~~subsection (a)~~ of K.S.A. 40-2222, and amendments thereto, shall provide a written notice stating that:

- (a) The coverage is not provided by an insurance company;
- (b) the plan is not subject to the laws and regulations relating to insurance companies;
- (c) the plan is not under the jurisdiction of the commissioner of insurance; and
- (d) if the plan does not pay medical expenses that are eligible for payment under the plan for any reason, the individuals covered by the plan may be liable for such expenses.

Sec. 15. On and after July 1, 2019, K.S.A. 2018 Supp. 40-2222a, as amended by

section 14 of this act, is hereby amended to read as follows: 40-2222a. At the time the initial application for coverage is taken with respect to new applicants and upon the first renewal, reinstatement or extension of coverage following the effective date of this act with respect to persons previously covered, each ~~association person or entity~~ described in K.S.A. 40-2222, and amendments thereto, shall provide a written notice stating that:

- (a) The coverage is not provided by an insurance company;
- (b) the plan is not subject to the laws and regulations relating to insurance companies;
- (c) the plan is not under the jurisdiction of the commissioner of insurance; and
- (d) if the plan does not pay medical expenses that are eligible for payment under the plan for any reason, the individuals covered by the plan may be liable for such expenses.

Sec. 16. K.S.A. 2018 Supp. 40-2222b is hereby amended to read as follows: 40-2222b. (a) As a condition precedent to continuation of the exemption provided by K.S.A. 40-2222, and amendments thereto, each association described in ~~subsection (a) of~~ K.S.A. 40-2222, and amendments thereto, shall, no later than May 1 of each year, pay a tax at the rate of 1% per annum upon the annual Kansas gross premium collected during the preceding calendar year. For associations that have a principal office within a metropolitan area that has boundaries in Kansas and associations that have their principal office located within the borders of this state and offer policies to non-residents of Kansas, the tax owed under this section shall be based upon the gross premium collected during the preceding year relating to health benefit plans issued to members that have a principal place of business in Kansas. In the computation of the tax, such associations shall be entitled to deduct any annual Kansas gross premiums returned on account of cancellation or dividends returned to members or expenditures used for the purchase of reinsurance or stop-loss coverage.

(b) Every association subject to taxation under the provisions of this section shall pay the tax imposed and make a return under oath to the commissioner of insurance under such rules and regulations and in such form and manner as the commissioner may prescribe.

Sec. 17. On and after July 1, 2019, K.S.A. 2018 Supp. 40-2222b, as amended by section 16 of this act, is hereby amended to read as follows: 40-2222b. (a) As a condition precedent to continuation of the exemption provided by K.S.A. 40-2222, and amendments thereto, each ~~association person or entity~~ described in K.S.A. 40-2222, and amendments thereto, shall, no later than May 1 of each year, pay a tax at the rate of 1% per annum upon the annual Kansas gross premium collected during the preceding calendar year. For associations persons or entities that have a principal office within a metropolitan area that has boundaries in Kansas and associations that have their principal office located within the borders of this state and offer policies to non-residents of Kansas, the tax owed under this section shall be based upon the gross premium collected during the preceding year relating to health benefit plans issued to members that have a principal place of business in Kansas. In the computation of the tax, such ~~associations persons or entities~~ shall be entitled to deduct any annual Kansas gross premiums returned on account of cancellation or dividends returned to members or expenditures used for the purchase of reinsurance or stop-loss coverage.

(b) Every ~~association person or entity~~ subject to taxation under the provisions of this section shall pay the tax imposed and make a return under oath to the commissioner

of insurance under such rules and regulations and in such form and manner as the commissioner may prescribe.";

On page 3, by striking all in line 14; following line 14, by inserting:

"Sec. 19. K.S.A. 40-2209b and 40-2209e and K.S.A. 2018 Supp. 40-2209, 40-2209d, 40-2222, 40-2222a, 40-2222b and 75-4101 are hereby repealed.

Sec. 20. On and after July 1, 2019, K.S.A. 2018 Supp. 40-2222, as amended by section 12 of this act, 40-2222a, as amended by section 14 of this act, 40-2222b, as amended by section 16 of this act, 40-2404, 40-3812, 40-3813 and 40-3814 are hereby repealed.";

Also on page 3, in line 16, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; in line 2, by striking all before "K.S.A." and inserting "insurance; relating to life insurance unfair or deceptive acts or practices; third party administrator license and renewal application fees; purchase of cybersecurity insurance; association health plans; healthcare benefit coverage; establishing the unclaimed life insurance benefits act; amending K.S.A. 40-2209b and 40-2209e and"; in line 3, after "Supp." by inserting "40-2209, 40-2209d, 40-2222, 40-2222, as amended by section 12 of this act, 40-2222a, 40-2222a, as amended by section 14 of this act, 40-2222b, 40-2222b, as amended by section 16 of this act, 40-2404, 40-3812, 40-3813, 40-3814 and"; also in line 3, by striking "section" and inserting "sections";

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

ROB OLSON

RICK BILLINGER

MARY WARE

Conferees on part of Senate

JENE VICKREY

TOM COX

CINDY NEIGHBOR

Conferees on part of House

Senator Olson moved the Senate adopt the Conference Committee Report on **HB 2209**.

On roll call, the vote was: Yeas 28; Nays 12; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Doll, Estes, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Nays: Bollier, Denning, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Miller, Pettey, Sykes, Ware.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Mr. Vice President: Justice Roberts made it clear and he firmly reiterated the idea that our state governments have the duty to defend the powers they retained under the U.S. Constitution, in his opinion in the first Obamacare Supreme Court challenge – NFIB v.

Sebelius he wrote: "In the typical case we look to the States to defend their prerogatives by adopting 'the simple expedient of not yielding' to federal blandishments when they do not want to embrace the federal policies as their own." Justice Roberts then added, "The States are separate and independent sovereigns. Sometimes they have to act like it." Today in this Senate Chamber we acted like like it and have exercised our 10th Amendment rights, by passing **HB 2209**. For these reasons I am proud to have voted in favor of **HB 2209**.—RICHARD HILDERBRAND

Senator Lynn requests the record to show she concurs with the "Explanation of Vote" offered by Senator Hilderbrand on **HB 2209**

Mr. Vice President: The people of Kansas do need help getting affordable health care, but the conference committee report for **HB 2209** is not a good way to accomplish that. This is not insurance! Company representatives in their committee testimonies said, "This is not insurance". The intention is for this coverage to be more affordable, but we have no numbers. We also have no details on what will or will not be covered. What does it matter that it's not actual insurance? Oversight. State and federal regulation and oversight ensure that enrollees receive the protections promised them under contract, solvency is monitored, and fraudulent activity is investigated. The company would not be subject to the "external review" statute that requires the right to have a claim denial reviewed by a third party or to the "prompt payment" statute. Coverage. Although 30% of Kansans live with pre-existing conditions, this bill would allow the plan to cover only the healthiest Kansans, creating a very uneven playing field thereby destabilizing our insurance industry and leaving the real insurance companies with a less healthy pool. We all desperately want better, more affordable healthcare for Kansans, but again, this is most definitely not the way to do that.—MARY WARE

Senators Bollier, Francisco, Haley and Hensley request the record to show they concur with the "Explanation of Vote" offered by Senator Ware on **HB 2209**.

Mr. Vice President: I have additional concerns with the proposed changes for Association Health Plans included in the Conference Committee Report on **HB 2209**. These plans cannot guarantee lower rates for the members yet will likely increase costs for other insurance customers. More questions have been raised since a Federal District Court invalidated the U.S Department of Labor's Health Plan Rule in March. Our Kansas Department of Insurance will likely receive questions about the fate of Association Health Plans formed under the new rule. It seems inappropriate to encourage the formation of new Association Health Plans and allow them to market themselves to new members before this is resolved.—MARCI FRANCISCO

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MADAM PRESIDENT: Your committee on conference on Senate amendments to **S Sub HB 2225** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed as Senate Substitute for House Bill No. 2225, as follows:

On page 3, in line 22, by striking "sixty" and inserting "two hundred"; in line 24, by striking "one" and inserting "two"; in line 28, by striking "fifty";

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

MIKE PETERSEN

DAN GODDARD

PAT PETTEY

Conferees on part of Senate

RICHARD PROEHL

JACK THIMESCH

HENRY HELGERSON

Conferees on part of House

Senator Petersen moved the Senate adopt the Conference Committee Report on **S Sub HB 2225**.

On roll call, the vote was: Yeas 36; Nays 4; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Rucker, Skubal, Suellentrop, Sykes, Taylor, Wagle, Ware, Wilborn.

Nays: Hilderbrand, Pilcher-Cook, Pyle, Tyson.

The Conference Committee Report was adopted.

On motion of Senator Denning, the Senate recessed until 5:00 p.m.

The Senate met pursuant to recess with Vice President Longbine in the chair.

MESSAGE FROM THE HOUSE

The House nonconcur in Senate amendments to **HB 2160**, requests a conference and has appointed Representatives Johnson, Mason and Gartner as conferees on the part of the House.

The House concurs in Senate amendments to **HB 2365**, and requests return of the bill.

The House adopts the Conference Committee report on **SB 15**.

The House adopts the Conference Committee report on **House Substitute for SB 16**.

The House adopts the Conference Committee report on **SB 20**.

The House announces the appointment of Landwehr, Eplee and Murnan to replace Representatives Vickrey, Cox and Neighbor as conferees on **SB 67**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **H Sub SB 16** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee of the Whole amendments, as follows:

On page 1, following line 7, by inserting:

"Section 1.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

State foundation aid (652-00-1000-0820).....\$92,659,017

Provided, That any unencumbered balance in the state foundation aid account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

KPERS – employer

contributions – non-USDs (652-00-1000-0100).....\$1,597,147

Provided, That any unencumbered balance in the KPERS – employer contributions – non-USDs account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*; That all expenditures from the KPERS – employer contributions – non-USDs account shall be for payment of participating employers' contributions to the Kansas public employees retirement system as provided in K.S.A. 74-4939, and amendments thereto: *And provided further*; That expenditures from this account for the payment of participating employers' contributions to the Kansas public employees retirement system may be made regardless of when the liability was incurred.

KPERS – employer

contributions – USDs (652-00-1000-0110).....\$10,261,604

Provided, That any unencumbered balance in the KPERS – employer contributions – USDs account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*; That all expenditures from the KPERS – employer contributions – USDs account shall be for payment of participating employers' contributions to the Kansas public employees retirement system as provided in K.S.A. 74-4939, and amendments thereto: *And provided further*; That expenditures from this account for the payment of participating employers' contributions to the Kansas public employees retirement system may be made regardless of when the liability was incurred.

Sec. 2.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2021, the following:

State foundation aid (652-00-1000-0820).....\$89,659,017

Provided, That any unencumbered balance in the state foundation aid account in excess of \$100 as of June 30, 2020, is hereby reappropriated for fiscal year 2021.

KPERS – employer

contributions – non-USDs (652-00-1000-0100).....\$3,306,581

Provided, That any unencumbered balance in the KPERS – employer contributions – non-USDs account in excess of \$100 as of June 30, 2020, is hereby reappropriated for fiscal year 2021: *Provided further*; That all expenditures from the KPERS – employer contributions – non-USDs account shall be for payment of participating employers' contributions to the Kansas public employees retirement system as provided in K.S.A.

74-4939, and amendments thereto: *And provided further*, That expenditures from this account for the payment of participating employers' contributions to the Kansas public employees retirement system may be made regardless of when the liability was incurred.

KPERS – employer
contributions – USDs (652-00-1000-0110).....\$21,247,425

Provided, That any unencumbered balance in the KPERS – employer contributions – USDs account in excess of \$100 as of June 30, 2020, is hereby reappropriated for fiscal year 2021: *Provided further*, That all expenditures from the KPERS – employer contributions – USDs account shall be for payment of participating employers' contributions to the Kansas public employees retirement system as provided in K.S.A. 74-4939, and amendments thereto: *And provided further*, That expenditures from this account for the payment of participating employers' contributions to the Kansas public employees retirement system may be made regardless of when the liability was incurred.";

Also on page 1, in line 29, by striking "6" and inserting "5"; by striking all in lines 30 through 36;

On page 2, by striking all in lines 1 through 17; by striking all in lines 28 through 43;

On page 3, by striking all in lines 1 through 36; in line 37, before "All" by inserting "(a)"; in line 38, by striking "1" and inserting "3"; in line 41, after "Reports." by inserting:

"(b) ";

Also on page 3, also in line 41, after "prepared" by inserting "pursuant to K.S.A. 72-1167 and 72-5171, and amendments thereto,";

On page 4, in line 2, by striking the period and inserting "," and if a school operated by such school district has a separate website, then such reports shall be published for such school on such website with a link to such reports prominently displayed on the website homepage titled, "Accountability Reports.";

Also on page 4, following line 2, by inserting:

"(c) Each school district shall provide a link to the state department of education's webpage where the reports prepared pursuant to K.S.A. 72-5170, and amendments thereto, and section 3, and amendments thereto, for such school district and each school operated by such school district are published. The link shall be prominently displayed on the school district's accountability reports webpage.";

Also on page 4, by striking all in lines 3 through 16;

On page 7, in line 8, by striking "6" and inserting "5"; by striking all in lines 9 through 43;

By striking all on pages 8 and 9;

On page 10, by striking all in lines 1 through 7;

On page 13, in line 40, by striking "1 through"; also in line 40, after "3" by inserting "and 4";

On page 14, in line 31, by striking "\$4,302" and inserting "\$4,436"; in line 32, by striking "\$4,439" and inserting "\$4,569"; in line 33, by striking "\$4,576" and inserting "\$4,706"; in line 34, by striking "\$4,713" and inserting "\$4,846";

On page 20, following line 23, by inserting:

"(H) (i) Except as provided in clause (ii), a student enrolled in a school district who is not a resident of Kansas shall be counted as follows:

- (a) For school year 2018-2019, one student;
- (b) for school years 2019-2020 and 2020-2021, $\frac{3}{4}$ of a student; and
- (c) for school year 2021-2022 and each school year thereafter, $\frac{1}{2}$ of a student.
- (ii) This subparagraph (H) shall not apply to:
 - (a) A student whose parent or legal guardian is an employee of the school district where such student is enrolled; or
 - (b) a student who attended public school in Kansas during school year 2016-2017 and who attended public school in Kansas during the immediately preceding school year.";

On page 21, by striking lines 1 through 12; following line 12, by inserting:

"Sec. 11. K.S.A. 72-5142 is hereby amended to read as follows: 72-5142. (a) The board of education of each school district shall levy an ad valorem tax upon the taxable tangible property of the school district in the school years specified in subsection (b) for the purpose of:

- (1) Financing that portion of the school district's general fund budget that is not financed from any other source provided by law;
- (2) paying a portion of the costs of operating and maintaining public schools in partial fulfillment of the constitutional obligation of the legislature to finance the educational interests of the state; and
- (3) with respect to any redevelopment school district established prior to July 1, 1997, pursuant to K.S.A. 12-1771, and amendments thereto, paying a portion of the principal and interest on bonds issued by cities under authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the school district.

(b) The tax required under subsection (a) shall be levied at a rate of 20 mills in the school years ~~2017-2018~~ 2019-2020 and ~~2018-2019~~ 2020-2021.

(c) The proceeds from the tax levied by a district under authority of this section, except the proceeds of such tax levied for the purpose described in subsection (a)(3), shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state school district finance fund.

(d) No school district shall proceed under K.S.A. 79-1964, 79-1964a or 79-1964b, and amendments thereto.

Sec. 12. K.S.A. 72-5153 is hereby amended to read as follows: 72-5153. (a) There is hereby established in every school district an at-risk education fund, which shall consist of all moneys deposited therein or transferred thereto according to law. The expenses of a school district directly attributable to providing at-risk student assistance or programs shall be paid from the at-risk education fund.

(b) Any balance remaining in the at-risk education fund at the end of the budget year shall be carried forward into the at-risk education fund for succeeding budget years. Such fund shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto. In preparing the budget of such school district, the amounts credited to and the amount on hand in the at-risk education fund, and the amount expended therefrom shall be included in the annual budget for the information of the residents of the school district. Interest earned on the investment of moneys in any such fund shall be credited to that fund.

(c) Commencing in school year 2018-2019, expenditures from the at-risk education fund of a school district shall only be made for the following purposes:

(1) At-risk educational programs based on best practices identified pursuant to subsection (d);

(2) personnel providing educational services in conjunction with such programs; or

(3) services contracted for by the school district to provide at-risk educational programs based on best practices identified pursuant to subsection (d).

(d) ~~(1) On or before July 1, 2018;~~ The state board shall identify and approve evidence-based best practices for at-risk programs and instruction of students receiving at-risk program services. On and after July 1, 2019, such best practices shall include, but not be limited to, programs and services provided by state-based national nonprofit organizations that:

(A) Focus on students who are identified as students eligible to receive at-risk program services or who face other identifiable barriers to success;

(B) provide evidence-based instruction and support services to such students inside and outside the school setting; and

(C) evaluate outcomes data for students, including, but not limited to, school attendance, academic progress, graduation rates, pursuit of postsecondary education or career advancement.

(2) The state board shall review and update such best practices as necessary and as part of its five-year accreditation system review process.

(e) Each year the board of education of each school district shall prepare and submit to the state board a report on the assistance or programs provided by the school district for students identified as ~~at-risk eligible to receive at-risk program services~~. Such report shall include the number of students identified as ~~at-risk eligible to receive at-risk program services~~ who were served or provided assistance, the type of service provided, the research upon which the school district relied in determining that a need for service or assistance existed, the results of providing such service or assistance and any other information required by the state board.

(f) In order to achieve uniform reporting of the number of students provided service or assistance by school districts in at-risk student programs, school districts shall report the number of students served or assisted in the manner required by the state board.

(g) As used in this section, the term "evidence-based instruction" means an education delivery system based on peer-reviewed research that consistently produces better student outcomes over a five-year period than would otherwise be achieved by the same students who are receiving at-risk program services."

Also on page 21, in line 40, by striking "6" and inserting "5";

On page 22, in line 4, by striking "6" and inserting "5";

On page 25, in line 1, by striking all after "(d)"; by striking all in lines 2 through 4; in line 5, by striking "(e)"; in line 6, by striking "6" and inserting "5";

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

Also on page 25, in line 31, by striking "2022" and inserting "2021"; in line 33, by striking "2022" and inserting "2021";

On page 27, in line 36, after "graduates" by inserting ", boys and girls club";

On page 28, by striking all in lines 21 through 43;

By striking all on page 29;

On page 30, by striking all in lines 1 and 2;

On page 34, by striking all in lines 6 through 43;

By striking all on pages 35 and 36;

On page 37, by striking all in lines 1 through 34;

On page 40, following line 1, by inserting:

"Sec. 19. K.S.A. 2018 Supp. 79-201x is hereby amended to read as follows: 79-201x. For taxable years ~~2017~~ 2019 and ~~2018~~ 2020, the following described property, to the extent herein specified, shall be and is hereby exempt from the property tax levied pursuant to the provisions of K.S.A. 72-5142, and amendments thereto: Property used for residential purposes to the extent of \$20,000 of its appraised valuation.";

Also on page 40, in line 2, by striking ", 72-3422"; in line 3, by striking "72-5150" and inserting "72-5142, 72-5153"; also in line 3, by striking ", 72-5461"; by striking the last comma; in line 4, by striking all before "and"; also in line 4, after "72-8193" by inserting "and K.S.A. 2018 Supp. 79-201x";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the semicolon, by inserting "making and concerning appropriations for the fiscal years ending June 30, 2020, and June 30, 2021, for the department of education;"; also in line 2, by striking ", 72-3422"; in line 3, by striking "72-5150" and inserting "72-5142, 72-5153"; also in line 3, by striking all after "72-5193"; in line 4, by striking "5461"; also in line 4, by striking ", 72-6147, 72-6487"; also in line 4, after "72-8193" by inserting "and K.S.A. 2018 Supp. 79-201x";

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

KRISTEY WILLIAMS

KYLE HOFFMAN

VALDENIA WINN

Conferees on part of House

MOLLY BAUMGARDNER

JIM DENNING

ANTHONY HENSLEY

Conferees on part of Senate

Senator Baumgardner moved the Senate adopt the Conference Committee Report on **H Sub SB 16**.

On roll call, the vote was: Yeas 31; Nays 8; Present and Passing 0; Absent or Not Voting 1.

Yeas: Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kerschen, Longbine, Lynn, McGinn, Miller, Olson, Petersen, Pettey, Skubal, Sykes, Taylor, Wagle, Ware.

Nays: Alley, Hilderbrand, Masterson, Pilcher-Cook, Pyle, Rucker, Suellentrop, Tyson.

Absent or Not Voting: Wilborn.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Mr. Vice President: I vote "AYE" on **House Substitute for SB 16**. In its *Gannon VI* order on June 25, 2018, the Kansas Supreme Court ruled, "The State has not met the adequacy requirement in Article 6 of the Kansas Constitution." The court gave the 2019 Legislature the opportunity to appropriate additional money for inflation while keeping our \$522 million, five-year commitment to K-12 education we made last session. This bill represents a bipartisan, good-faith effort by the 2019 Legislature to comply with the *Gannon* adequacy requirement. After years of litigation under *Gannon*, which began in 2011, the people want us to act responsibly to adequately and fairly fund quality schools for every child in our state, regardless of their special needs, their family's income, or where they live. The school children of Kansas cannot wait another day, another month, or another school year, to receive the suitable education they deserve. I vote for this bill because my most important duty is to ensure that every Kansas child is given the best education possible. Our children's success for tomorrow depends on the effectiveness of their schools today.—ANTHONY HENSLEY

Senators Faust-Goudeau, Holland, Pettey and Ware request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **H Sub SB 16**.

Mr. Vice President, I vote "AYE" on **H Sub SB 16**. I voted no when it originally passed the Senate and while I still have concerns regarding the endless cycle of school finance litigation in Kansas, SB 16 provides a much-needed policy fix with the inclusion of the Tax Credit for Low Income Students Scholarship Program. As a former special education teacher, I am confident early intervention for at-risk children has better outcomes than intervention at a later age. This policy fix provides critical funding to elementary age students who are just beginning their educational journey and therefore I vote "AYE."—SUSAN WAGLE

ORIGINAL MOTION

On motion of Senator Tyson, the Senate acceded to the request of the House for a conference on **HB 2160**.

The Vice President appointed Senators Tyson, Kerschen and Holland as conferees on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 206** be amended by adoption of the amendments recommended by the Senate Committee on Federal and State Affairs as reported in the Journal of the Senate on March 21, 2019, and the bill, as printed with amendments by Senate Committee, be further amended:

On page 1, by striking all in lines 17 through 36;

On page 2, by striking all in lines 1 through 16; in line 36, by striking "and K.S.A. 2018 Supp. 31-157 are" and inserting "is";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "to"; in line 2, by striking "powers;"; in line 3, by striking all after the first "and"; in line 4, by striking "sections" and inserting "section"; and the bill be passed as amended.

Also, Committee on **Federal and State Affairs** begs leave to submit the following report:

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

By the Governor:

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

Donald Brownlee, serves at the pleasure of the Governor

Committee on **Ways and Means** recommends **SB 190** be amended on page 1, in line 22, by striking "2030" and inserting "2025"; in line 23, by striking "2031" and inserting "2026";

On page 2, in line 3, by striking all after "(d)"; by striking all in lines 4 through 14; in line 15, by striking all before the period and inserting "During fiscal years 2020 through 2025, any county may submit to the secretary of transportation a plan for expansion or modernization of a road or improvement of a bridge in a city or cities in such county or such county or counties. Such plan shall include a local match from other moneys of the participating cities or counties equal to or greater than 20% of the total cost of the plan. If the secretary approves such plan, the city or county shall receive such city's or county's share of the local ad valorem tax reduction fund during the fiscal years of the life of the construction phase of the expansion, modernization or improvement project, as determined by the secretary. On June 15 of fiscal years 2020 through 2025, the secretary shall certify to the director of accounts and reports the aggregate amount of moneys approved by the secretary from such plans. Upon receipt of such amount, the director of accounts and reports shall transfer such amount from the state general fund to the local ad valorem tax reduction fund to be distributed to the participating city or county. The secretary shall transmit a copy of each such certification to the director of the budget and the director of legislative research. Cities within a county and adjacent counties may enter into an agreement with the county to implement an expansion, modernization or improvement project. Moneys distributed pursuant to this subsection shall only be used for the expansion, modernization or improvement project. Nothing in this subsection shall authorize a participating city or county to receive any share of the local ad valorem tax reduction fund: (1) That would be attributed to another local unit of government other than the cities or counties; (2) in excess of the total cost of the expansion, modernization or improvement project; or (3) if the proposed expansion, modernization or improvement project is included in the 2020 transportation planning program";

Also on page 2, in line 29, by striking "2030" and inserting "2025"; in line 34, by striking all after the "(b)"; by striking all in lines 35 through 43;

On page 3, by striking all in lines 1 through 3; in line 4, by striking "research" and inserting "During fiscal years 2020 through 2025, any county may submit to the secretary of transportation a plan for expansion or modernization of a road or improvement of a bridge in a city or cities in such county or such county or counties. Such plan shall include a local match from other moneys of the participating cities or counties equal to or greater than 20% of the total cost of the plan. If the secretary approves such plan, the city or county shall receive such city's or county's share of the county and city revenue sharing fund during the fiscal years of the life of the construction phase of the expansion, modernization or improvement project, as determined by the secretary. On June 15 of fiscal years 2020 through 2025, the secretary shall certify to the director of accounts and reports the aggregate amount of moneys approved by the secretary from such plans. Upon receipt of such amount, the

director of accounts and reports shall transfer such amount from the state general fund to the county and city revenue sharing fund to be distributed to the participating city or county. The secretary shall transmit a copy of each such certification to the director of the budget and the director of legislative research. Cities within a county and adjacent counties may enter into an agreement with the county to implement an expansion, modernization or improvement project. Moneys distributed pursuant to this subsection shall only be used for the expansion, modernization or improvement project. Nothing in this subsection shall authorize a participating city or county to receive any share of the county and city revenue sharing fund: (1) That would be attributed to another local unit of government other than the cities or counties; (2) in excess of the total cost of the expansion, modernization or improvement project; or (3) if the proposed expansion, modernization or improvement project is included in the 2020 transportation planning program";

On page 1, in the title, in line 1, by striking "new road construction" and inserting "expansion or modernization of roads"; and the bill be passed as amended.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Friday, April 5, 2019.

Journal of the Senate

FIFTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, April 5, 2019, 10:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 38 senators present.
Senators Estes and Wilborn were excused.
Invocation by Senator Eric Rucker:

Dear Heavenly Father, as this Easter season approaches we turn our hearts to You with gratitude and joy as we celebrate the resurrection of our Lord. Your willingness to send us Your son to die for our sins is such a wonderful gift; it is difficult to fully understand the depth of Your compassion for us.

Help us to receive Your gracious gift with a faith that is acceptable in Your sight. And let our response be a Christ-like love for You and for one another. Amen.

The Pledge of Allegiance was led by President Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 238, SB 239**.
Committee of the Whole, **SCR 1511**.
Federal and State Affairs: **SB 240**.
Transportation: **SB 237**.

CONSIDERATION OF APPOINTMENTS

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

Senator Denning moved the following appointments be confirmed as recommended by the Committee on **Agriculture and Natural Resources**, Committee on **Federal and State Affairs** and Committee on **Financial Institutions and Insurance**.

By the Governor

On the appointment to the:

Department of Agriculture:

Michael Beam, serves at the pleasure of the governor

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen,

Petty, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware.

Nays: Doll.

Absent or Not Voting: Estes, Wilborn.

The appointment was confirmed.

By the Governor

On the appointment to the:

Kansas Racing and Gaming Commission:

Donald Brownlee, serves at the pleasure of the governor

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Petty, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware.

Nays: Doll.

Absent or Not Voting: Estes, Wilborn.

The appointment was confirmed.

By the Governor

On the appointment to the:

Department of Wildlife, Parks and Tourism:

Bradford Loveless, serves at the pleasure of the governor

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Petty, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware.

Nays: Doll.

Absent or Not Voting: Estes, Wilborn.

The appointment was confirmed.

By the Commissioner of Insurance

On the appointment to the:

Office of the State Securities Commissioner:

Jeffrey Wagaman, term ends January 9, 2023.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Petty, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware.

Nays: Doll.

Absent or Not Voting: Estes, Wilborn.

The appointment was confirmed.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 15** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, on page 1, by striking all in lines 6 through 34;

By striking all on pages 2 through 5;

On page 6, by striking all in lines 1 through 6; following line 6, by inserting:

"New Section 1. (a) The board may issue a license to an individual who is currently registered, certified or licensed to practice social work in another jurisdiction, if the board determines that:

(1) The standards for registration, certification or licensure to practice social work at the baccalaureate level in another jurisdiction are substantially the equivalent of the requirements in the social workers licensure act and rules and regulations of the board for licensure as a baccalaureate social worker; or

(2) the applicant demonstrates compliance on forms set by the board, with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice social work at the baccalaureate level for at least 48 of the last 54 months immediately preceding the application, with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of a baccalaureate degree in social work from a regionally accredited university.

(b) The board may issue a license to an individual who is currently registered, certified or licensed to practice social work in another jurisdiction, if the board determines that:

(1) The standards for registration, certification or licensure to practice social work at the master's level in another jurisdiction are substantially the equivalent of the requirements in the social workers licensure act and rules and regulations of the board for licensure as a master social worker; or

(2) the applicant demonstrates compliance on forms set by the board, with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice social work at the master level for at least 48 of the last 54 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of a master's degree in social work from a regionally accredited university.

(c) Applicants for licensure as a specialist clinical social worker shall demonstrate:

(1) That the applicant meets the requirements of subsection (b);

(2) that the applicant is currently licensed to practice social work at the clinical level in another state; and

(3) competence to diagnose and treat mental disorders by meeting at least two of

the following areas acceptable to the board:

- (A) Passing a national clinical examination approved by the board;
 - (B) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders; or
 - (C) attestation from a professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery, stating that the applicant is competent to diagnose and treat mental disorders.
- (d) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-6411, and amendments thereto, if required by the board.

New Sec. 2. (a) If, in evaluating any applicant for licensure as a professional counselor, the board finds that the applicant is deficient in the qualifications or in the quality of the applicant's educational experience required by K.S.A. 65-5804a or 65-5807, and amendments thereto, as applicable, or by rules and regulations adopted by the board, the board may require the applicant to fulfill remedial or other requirements, as the board may prescribe.

(b) A person who is completing requirements prescribed by the board under subsection (a) may apply to the board for provisional licensure as a professional counselor on a form and in a manner prescribed by the board. The board may issue a provisional license to practice professional counseling. A provisional license shall expire upon the earlier of the date that the board issues or denies a license to practice professional counseling or 12 months after the date of issuance of the provisional license. No provisional license shall be renewed, and no provisional license shall be issued again, upon any subsequent application for the same license level.

(c) A person practicing professional counseling with a provisional license may not use the title "licensed professional counselor" or "licensed clinical professional counselor" or the initials "LPC" or "LCPC," independently. The word "licensed" may be used by such person only when preceded by the word "provisional."

New Sec. 3. (a) If, in evaluating any applicant for licensure as a marriage and family therapist, the board finds that the applicant is deficient in the qualifications or in the quality of the applicant's educational experience required by K.S.A. 65-6404 or 65-6406, and amendments thereto, as applicable, or by rules and regulations adopted by the board, the board may require the applicant to fulfill remedial or other requirements, as the board may prescribe.

(b) A person who is completing requirements prescribed by the board under subsection (a) may apply to the board for provisional licensure as a marriage and family therapist on a form and in a manner prescribed by the board. The board may issue a provisional license to practice marriage and family therapy. A provisional license shall expire upon the earlier of the date that the board issues or denies a license to practice marriage and family therapy or 12 months after the date of issuance of the provisional license. No provisional license shall be renewed, and no provisional license shall be issued again, upon any subsequent application for the same license level.

(c) A person practicing marriage and family therapy with a provisional license may not use the title "licensed marriage and family therapist" or "licensed clinical marriage and family therapist" or the initials "LMFT" or "LCMFT," independently. The word "licensed" may be used by such person only when preceded by the word "provisional."

New Sec. 4. (a) If, in evaluating any applicant for licensure as a master's level

psychologist, the board finds that the applicant is deficient in the qualifications or in the quality of the applicant's educational experience required by K.S.A. 74-5363 or 74-5375, and amendments thereto, as applicable, or by rules and regulations adopted by the board, the board may require the applicant to fulfill remedial or other requirements, as the board may prescribe.

(b) A person who is completing requirements prescribed by the board under subsection (a) may apply to the board for a provisional license as a master's level psychologist on a form and in a manner prescribed by the board. The board may issue a provisional license to practice master's level psychology. A provisional license shall expire upon the earlier of the date that the board issues or denies a license to practice master's level psychology or 12 months after the date of issuance of the provisional license. No provisional license shall be renewed, and no provisional license shall be issued again, upon any subsequent application for the same license level.

(c) A person practicing master's level psychology with a provisional license may not use the title "licensed master's level psychologist" or "licensed clinical psychotherapist" or the initials "LMLP" or "LCP," independently. The word "licensed" may be used by such person only when preceded by the word "provisional."

New Sec. 5. (a) If, in evaluating any applicant for licensure as a social worker, the board finds that the applicant is deficient in the qualifications or in the quality of the applicant's educational experience required by K.S.A. 65-6306, and amendments thereto, or section 1, and amendments thereto, as applicable, or by rules and regulations adopted by the board, the board may require the applicant to fulfill remedial or other requirements, as the board may prescribe.

(b) A person who is completing requirements prescribed by the board under subsection (a) may apply to the board for provisional licensure as a social worker on a form and in a manner prescribed by the board. The board may issue a provisional license to practice social work. A provisional license shall expire upon the earlier of the date that the board issues or denies a license to practice social work or 12 months after the date of issuance of the provisional license. No provisional license shall be renewed, and no provisional license shall be issued again, upon any subsequent application for the same license level.

(c) A person practicing social work with a provisional license may not use the title "licensed baccalaureate social worker," "licensed master's social worker" or "licensed specialist clinical social worker" or the initials "LBSW," "LMSW" or "LSCSW," independently. The word "licensed" may be used by such person only when preceded by the word "provisional."

(d) This section shall be a part of and supplemental to the social workers licensure act.

New Sec. 6. (a) If, in evaluating any applicant for licensure as an addiction counselor, the board finds that the applicant is deficient in the qualifications or in the quality of the applicant's educational experience required by K.S.A. 65-6610 or 65-6613, and amendments thereto, as applicable, or by rules and regulations adopted by the board, the board may require the applicant to fulfill remedial or other requirements, as the board may prescribe.

(b) A person who is completing requirements prescribed by the board under subsection (a) may apply to the board for provisional licensure as an addiction counselor on a form and in a manner prescribed by the board. The board may issue a

provisional license to practice addiction counseling. A provisional license shall expire upon the earlier of the date that the board issues or denies a license to practice addiction counseling or 12 months after the date of issuance of the provisional license. No provisional license shall be renewed, and no provisional license shall be issued again, upon any subsequent application for the same license level.

(c) A person practicing addiction counseling with a provisional license may not use the title "licensed addiction counselor," "licensed master's addiction counselor" or "licensed clinical addiction counselor" or the initials "LAC," "LMAC" or "LCAC," independently. The word "licensed" may be used by such person only when preceded by the word "provisional."

(d) This section shall be a part of and supplemental to the addiction counselor licensure act.

New Sec. 7. (a) If, in evaluating any applicant for licensure as a psychologist, the board finds that the applicant is deficient in the qualifications or in the quality of the applicant's educational experience required by K.S.A. 74-5310 or 74-5315, and amendments thereto, as applicable, or by rules and regulations adopted by the board, the board may require the applicant to fulfill remedial or other requirements, as the board may prescribe.

(b) A person who is completing requirements prescribed by the board under subsection (a) may apply to the board for provisional licensure as a psychologist on a form and in a manner prescribed by the board. The board may issue a provisional license to practice psychology. A provisional license shall expire upon the earlier of the date that the board issues or denies a license to practice psychology or 12 months after the date of issuance of the provisional license. No provisional license shall be renewed, and no provisional license shall be issued again, upon any subsequent application for the same license level.

(c) A person practicing psychology with a provisional license may not use the title "licensed psychologist" or the initials "LP," independently. The word "licensed" may be used by such person only when preceded by the word "provisional."

Sec. 8. K.S.A. 65-5801 is hereby amended to read as follows: 65-5801. K.S.A. 65-5801 through ~~65-5816, 65-5818, and amendments thereto, and section 2, and amendments thereto,~~ shall be known and may be cited as the professional counselors licensure act.

Sec. 9. K.S.A. 65-5807 is hereby amended to read as follows: 65-5807. (a) The board may issue a license to an individual who is currently registered, certified or licensed to practice professional counseling in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice professional counseling in the other jurisdiction are substantially equivalent to the requirements of this state; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice professional counseling for at least ~~60~~ 48 of the last ~~66~~ 54 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration,

certification or licensing board or agency; and

(C) at least a master's degree in counseling or a related field from a regionally accredited university or college.

(b) Applicants for licensure as a clinical professional counselor shall additionally demonstrate competence to diagnose and treat mental disorders through meeting the requirements of either subsection (a)(1) or (a)(2) and at least two of the following areas acceptable to the board:

(1) Either graduate coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board;

(2) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders; or

(3) attestation from a professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery stating that the applicant is competent to diagnose and treat mental disorders.

(c) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-5808, and amendments thereto, if required by the board.

Sec. 10. K.S.A. 65-6309 is hereby amended to read as follows: 65-6309. ~~(a) Except as provided in subsections (b) and (c),~~ An applicant shall be exempted from the requirement for any examination provided for herein, if:

~~(1) The applicant proves to the board that the applicant is licensed or registered under the laws of a state or territory of the United States that imposes substantially the same requirements as this act as determined by the board; and~~

~~(2) pursuant to the laws of any such state or territory, the applicant has taken and passed an examination similar to that for which exemption is sought, as determined by the board.~~

~~(b) The board may issue a license to an individual who is currently licensed to practice social work at the clinical level in another jurisdiction if the board determines that:~~

~~(1) The standards for licensure to practice social work at the clinical level in the other jurisdiction are substantially equivalent to the requirements of this state for licensure at the clinical level; or~~

~~(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:~~

~~(A) Licensure to practice social work at the clinical level for at least 60 of the last 66 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;~~

~~(B) the absence of disciplinary actions of a serious nature brought by a licensing board or agency; and~~

~~(C) a master's or doctoral degree in social work from a regionally accredited university or college and from an accredited graduate social work program recognized and approved by the board pursuant to rules and regulations adopted by the board.~~

~~(e) Applicants for licensure as a clinical specialist social worker shall additionally demonstrate competence to diagnose and treat mental disorders through meeting the following requirements:~~

~~(1) Passing a national clinical examination approved by the board or, in the absence of the national examination, continuous licensure to practice as a clinical social worker~~

during the 10 years immediately preceding the application; and

~~(2) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders.~~

~~(d) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-6314, and amendments thereto, if required by the board.~~

~~(e) Upon application, the board shall issue temporary licenses to persons who have submitted documentation and met all qualifications for licensure under provisions of this act, except passage of the required examination, and who have paid the required fee.~~

~~(f)(c) Absent extenuating circumstances approved by the board, a temporary license issued by the board shall expire upon the date the board issues or denies a license to practice social work or six 12 months after the date of issuance of the temporary license. No temporary license will be renewed or issued again on any subsequent applications for the same license level. The preceding provisions in no way limit the number of times an applicant may take the examination.~~

~~(g)(d) No person may work under a temporary license except under the supervision of a licensed social worker.~~

~~(h)(e) Nothing in this section shall affect any temporary license to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the license as provided under this section at the time of issuance of such temporary license.~~

~~(i)(f) Any individual employed by a hospital and working in the area of hospital social services to patients of such hospital on July 1, 1974, is exempt from the provisions of this act.~~

~~(g) A person practicing social work with a temporary license may not use the title "licensed baccalaureate social worker" or "licensed master social worker" or use the initials "LBSW" or "LMSW," independently. The word "licensed" may be used only when followed by the words "by temporary license."~~

Sec. 11. K.S.A. 65-6321 is hereby amended to read as follows: 65-6321. K.S.A. 65-6301 through ~~65-6320, and K.S.A. 65-6321, and amendments thereto, and sections 1 and 5, and amendments thereto,~~ shall be known and may be cited as the social workers licensure act.

Sec. 12. K.S.A. 65-6401 is hereby amended to read as follows: 65-6401. K.S.A. 65-6401 through ~~65-6412~~ 65-6414, and amendments thereto, ~~and section 3, and amendments thereto,~~ shall be known and may be cited as the marriage and family therapists licensure act.

Sec. 13. K.S.A. 65-6405 is hereby amended to read as follows: 65-6405. (a) A person who is waiting to take the examination required by the board may apply to the board for a temporary license to practice as a licensed marriage and family therapist by:

(1) Paying an application fee as established by the board under K.S.A. 65-6411, and amendments thereto; and

(2) meeting the application requirements as stated in K.S.A. 65-6404(a)(1), (a)(2) and (a)(4), and amendments thereto.

(b) (1) A temporary license may be issued by the board after the application has

been reviewed and approved by the board and the applicant has paid the appropriate fee set as established by the board ~~for issuance of new licenses under K.S.A. 65-6411, and amendments thereto.~~

(2) Absent extenuating circumstances approved by the board, a temporary license issued by the board shall expire upon the date the board issues or denies the person a license to practice marriage and family therapy or 12 months after the date of issuance of the temporary license.

(3) No temporary license ~~will~~ shall be renewed or issued again on any subsequent application for the same license level. The preceding provision in no way limits the number of times an applicant may take the examination.

(c) A person practicing marriage and family therapy with a temporary license may not use the title "licensed marriage and family therapist" or the initials "LMFT" independently. The word "licensed" may be used only when followed by the words "by temporary license." ~~such as licensed marriage and family therapist by temporary license, or marriage and family therapist, temporarily licensed.~~

(d) No person may practice marriage and family therapy under a temporary license except under the supervision of a person licensed by the behavioral sciences regulatory board at the independent level.

(e) Nothing in this section shall affect any temporary license to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the license as provided under this section at the time of issuance of such temporary license.

Sec. 14. K.S.A. 65-6406 is hereby amended to read as follows: 65-6406. (a) The board may issue a license to an individual who is currently registered, certified or licensed to practice marriage and family therapy in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice marriage and family therapy in the other jurisdiction are substantially the equivalent of the requirements of the marriage and family therapists licensure act and rules and regulations of the board;

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice marriage and family therapy for at least ~~60~~ 48 of the last ~~66~~ 54 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of at least a master's degree in marriage and family therapy or a related field as approved by the board from a regionally accredited university.

(b) Applicants for licensure as a clinical marriage and family therapist shall additionally demonstrate competence to diagnose and treat mental disorders through meeting the requirements of either subsection (a)(1) or (a)(2) and at least two of the following areas acceptable to the board:

(1) Either graduate coursework as established by rules and regulations of the board

or passing a national clinical examination approved by the board;

(2) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders; or

(3) attestation from a professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery stating that the applicant is competent to diagnose and treat mental disorders.

(c) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-6411, and amendments thereto, if required by the board.

Sec. 15. K.S.A. 65-6411 is hereby amended to read as follows: 65-6411. (a) The board may fix the following fees, and any such fees shall be established by rules and regulations adopted by the board:

(1) For application for licensure as a marriage and family therapist, not to exceed \$150;

(2) for temporary licensure as a marriage and family therapist, not to exceed \$175;

(3) for original licensure as a marriage and family therapist, not to exceed \$175;

~~(3)~~(4) for renewal for licensure as a marriage and family therapist, not to exceed \$175;

~~(4)~~(5) for application for licensure as a clinical marriage and family therapist, not to exceed \$175;

~~(5)~~(6) for original licensure as a clinical marriage and family therapist, not to exceed \$175;

~~(6)~~(7) for renewal for licensure as a clinical marriage and family therapist, not to exceed \$175;

~~(7)~~(8) for reinstatement of a license, not to exceed \$175;

~~(8)~~(9) for replacement of a license, not to exceed \$20;

~~(9)~~(10) for renewal penalty, an amount equal to the renewal of license; and

~~(10)~~(11) for a wallet card license, not to exceed \$5.

(b) Fees paid to the board are not refundable.

Sec. 16. K.S.A. 65-6611 is hereby amended to read as follows: 65-6611. (a) A person who is waiting to take the examination for licensure as an addiction counselor may apply to the board for a temporary license to practice as a licensed addiction counselor by:

(1) ~~Paying an application a~~ fee for a temporary license fixed under K.S.A. 65-6618, and amendments thereto; and

(2) meeting the application requirements as stated in K.S.A. 65-6610(a)(1), (a)(2) ~~and (a)(4) and (a)(5)~~, and amendments thereto.

(b) A person who is waiting to take the examination for licensure as a master's addiction counselor may apply to the board for a temporary license to practice as a licensed master's addiction counselor by:

(1) ~~Paying an application a~~ fee for a temporary license fixed under K.S.A. 65-6618, and amendments thereto; and

(2) meeting the application requirements as stated in K.S.A. 65-6610(b)(1)(A), (b)(2) ~~and (b)(4)(1)(B), (b)(1)(D) and (b)(1)(E)~~, and amendments thereto.

(c) (1) A temporary license may be issued by the board after the application has been reviewed and approved by the board and the applicant has paid the appropriate fee set by the board for issuance of new licenses.

(2) Absent extenuating circumstances approved by the board, a temporary license issued by the board shall expire upon the date the board issues or denies the person a license to practice addiction counseling or 12 months after the date of issuance of the temporary license.

(3) No temporary license will be renewed or issued again on any subsequent application for the same license level. The preceding provision in no way limits the number of times an applicant may take the examination.

(d) A person practicing addiction counseling with a temporary license may not use the title "licensed addiction counselor" or "licensed master's addiction counselor" or use the initials "LAC" or "LMAC" independently. The word "licensed" may be used only when followed by the words "by temporary license," ~~such as licensed addiction counselor by temporary license, or addiction counselor, temporarily licensed.~~

(e) No person may practice addiction counseling under a temporary license except in a licensed or certified alcohol and other drug abuse program, under the direction of a person licensed by the behavioral sciences regulatory board at the clinical level or a person licensed to practice medicine and surgery.

(f) Nothing in this section shall affect any temporary license to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the license as provided under this section at the time of issuance of such license.

Sec. 17. K.S.A. 65-6613 is hereby amended to read as follows: 65-6613. (a) The board may issue a license to an individual who is currently registered, certified or licensed to practice addiction counseling in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice addiction counseling in the other jurisdiction are substantially the equivalent of the requirements of the addiction counselor licensure act and rules and regulations of the board; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice as an addiction counselor for at least ~~60~~ 48 of the last ~~66~~ 54 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of at least a baccalaureate degree from a college or university approved by the board.

(b) The board may issue a license to an individual who is currently registered, certified or licensed to practice addiction counseling at the master's level in another jurisdiction if the board determines that:

(1) (A) The standards for registration, certification or licensure to practice addiction counseling at the master's level in the other jurisdiction are substantially the equivalent of the requirements of the addiction counselor licensure act and rules and regulations of the board; and

(B) completion of at least a master's degree from a college or university approved

by the board; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice addiction counseling at the master's level for at least ~~60~~ 48 of the last ~~66~~ 54 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of at least a master's degree from a college or university approved by the board.

(c) The board may issue a license to an individual who is currently registered, certified or licensed to practice addiction counseling at the clinical level in another jurisdiction if the board determines that:

(1) (A) The standards for registration, certification or licensure to practice addiction counseling at the clinical level in the other jurisdiction are substantially the equivalent of the requirements of the addiction counselor licensure act and rules and regulations of the board; and

(B) the applicant demonstrates completion of at least a master's degree from a college or university approved by the board; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice addiction counseling at the clinical level for at least ~~60~~ 48 of the last ~~66~~ 54 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency;

(C) completion of at least a master's degree from a college or university approved by the board; and

(D) at least two of the following areas acceptable to the board:

(i) Either coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board;

(ii) three years of clinical practice with demonstrated experience supporting diagnosing or treating substance use disorders; or

(iii) attestation from a professional licensed to diagnose and treat mental disorders, or substance use disorders, or both, in independent practice or licensed to practice medicine and surgery, stating that the applicant is competent to diagnose and treat substance use disorders.

(d) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-6618, and amendments thereto, if required by the board.

Sec. 18. K.S.A. 74-5301 is hereby amended to read as follows: 74-5301. ~~This act K.S.A. 74-5301 through 74-5350, and amendments thereto, and section 7, and amendments thereto,~~ shall be known and may be cited as the licensure of psychologists act of the state of Kansas.

Sec. 19. K.S.A. 74-5310 is hereby amended to read as follows: 74-5310. (a) The

board shall issue a license as a psychologist to any person who pays ~~an~~ a nonrefundable application fee prescribed by the board, if required by the board, not in excess of \$225 and, if required by the board, ~~an~~ a nonrefundable original license fee not in excess of \$150, ~~which shall not be refunded~~, who ~~either~~ satisfies the board as to such person's training and experience after a thorough review of such person's credentials and who passes a satisfactory examination in psychology. Any person paying the fee must also submit evidence verified by oath and satisfactory to the board that such person:

- (1) Is at least 21 years of age;
- (2) is of good moral character;
- (3) has received the doctor's degree based on a program of studies in content primarily psychological from an educational institution having a graduate program with standards consistent with those of the state universities of Kansas, or the substantial equivalent of such program in both subject matter and extent of training; and
- (4) has had at least two years of supervised experience, a significant portion of which shall have been spent in rendering psychological services satisfying the board's approved standards for the psychological service concerned.

(b) The board shall adopt rules and regulations establishing the criteria which an educational institution shall satisfy in meeting the requirements established under subsection (a)(3). The board may send a questionnaire developed by the board to any educational institution for which the board does not have sufficient information to determine whether the educational institution meets the requirements of subsection (a) (3) and rules and regulations adopted under this section. The questionnaire providing the necessary information shall be completed and returned to the board in order for the educational institution to be considered for approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about educational institutions. In entering such contracts the authority to approve educational institutions shall remain solely with the board.

Sec. 20. K.S.A. 74-5315 is hereby amended to read as follows: 74-5315. (a) The board may grant a license to any person who, at the time of application, is registered, certified or licensed as a psychologist at the doctoral level in another jurisdiction if the board determines that:

(1) The requirements of such jurisdiction for such certification or licensure are substantially the equivalent of the requirements of this state; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure as a psychologist at the doctoral level for at least ~~60~~ 48 of the last ~~66~~ 54 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) a doctoral degree in psychology from a regionally accredited university or college.

(b) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 74-5310, and amendments thereto, if required by the board.

Sec. 21. K.S.A. 74-5316 is hereby amended to read as follows: 74-5316. (a) Upon

application, the board may issue temporary licenses to persons who have met all qualifications for licensure under the provisions of the licensure of psychologists act of the state of Kansas, except passage of the required examination, pursuant to K.S.A. 74-5310, and amendments thereto, ~~who must wait for completion of the next examination~~, who have paid the required application, ~~examination~~ and temporary license fees and who have submitted documentation as required by the board, under the following:

(1) ~~Such temporary licensee shall take the next license examination subsequent to the date of issuance of the temporary license unless there are extenuating circumstances approved by the board. Absent extenuating circumstances approved by the board, a temporary license issued by the board shall expire upon the earlier of the date the board issues or denies a license to practice psychology or two years after the date of issuance of the temporary license. No temporary license shall be renewed or issued again on any subsequent application for licensure under the provisions of the licensure of psychologists act of the state of Kansas. This paragraph shall not limit the number of times that an applicant may take the required examination;~~

(2) the board shall adopt rules and regulations prescribing continuing education requirements for temporary licensees, including, but not limited to, a requirement that temporary licensees shall complete a minimum of 25 contact hours of continuing education during the two-year period of temporary licensure, which shall include a minimum of three hours in psychology ethics;

(3) no person may work under a temporary license except under the supervision of a licensed psychologist as prescribed in rules and regulations adopted by the board; and

(4) the fee for such temporary license may be fixed by the board and shall not exceed \$200, and any such fee shall be established by rules and regulations adopted by the board.

(b) Upon application, the board may issue temporary licenses not to exceed two years to persons who have completed all requirements for a doctoral degree approved by the board but have not received such degree conferral or who have met all qualifications for licensure under provisions of such act, except completion of the postdoctoral supervised work experience pursuant to K.S.A. 74-5310(a)(4), and amendments thereto, who have paid the required application and temporary license fees and who have submitted documentation as required by the board, under the following:

(1) The temporary license shall expire at the end of the two-year period after issuance or if such temporary licensee is denied a license to practice psychology;

(2) the temporary license may be renewed for one additional two-year period ~~after expiration;~~

(3) ~~temporary licensees shall take the license examination pursuant to K.S.A. 74-5310(a)(4), and amendments thereto, subsequent to the date of issuance and prior to expiration of the temporary license unless there are extenuating circumstances approved by the board. no temporary license shall be issued again on any subsequent application for licensure under the provisions of the licensure of psychologists act of the state of Kansas. This paragraph shall not limit the number of times that an applicant may take the required examination;~~

(4) temporary licensees shall be working toward the completion of the postdoctoral supervised work experience prescribed in K.S.A. 74-5310(a)(4), and amendments thereto;

(5) the board shall adopt rules and regulations prescribing continuing education

requirements for temporary licensees, including, but not limited to, a requirement that temporary licensees shall complete a minimum of 25 contact hours of continuing education during the two-year period of temporary licensure, which shall include a minimum of three hours in psychology ethics;

(6) no temporary licensee may work under a temporary license except under the supervision of a licensed psychologist as prescribed in rules and regulations adopted by the board; and

(7) the fee for a renewal of the temporary license may be fixed by the board and shall not exceed \$200 per issuance, and any such fee shall be established by rules and regulations adopted by the board.

(c) A person practicing psychology with a temporary license may not use the title "licensed psychologist" or the initials "LP," independently. The word "licensed" may be used only when preceded by the word "temporary"—~~such as temporary licensed psychologist, or the initials "TLP."~~

(d) This section shall be part of and supplemental to the provisions of article 53 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto.

(e) As used in this section, "temporary licensee" means any person practicing psychology with a temporary license pursuant to subsection ~~(a) or (b) or (e)~~.

Sec. 22. K.S.A. 74-5344 is hereby amended to read as follows: 74-5344. Nothing contained in the licensure of psychologists act of the state of Kansas shall be construed:

(a) To prevent qualified members of other professional groups such as, but not limited to, ministers, Christian Science practitioners, social workers and sociologists from doing work of a psychological nature consistent with their training and consistent with any code of ethics of their respective professions so long as they do not hold themselves out to the public by any title or description of services incorporating the words "psychologic," "psychological," "psychologist" or "psychology";

(b) in any way to restrict any person from carrying on any of the aforesaid activities in the free expression or exchange of ideas concerning the practice of psychology, the application of its principles, the teaching of such subject matter and the conducting of research on problems relating to human behavior if such person does not represent such person or such person's services in any manner prohibited by such act;

(c) to limit the practice of psychology of a licensed masters level psychologist or a person who holds a temporary license to practice as a licensed masters level psychologist ~~insofar as such practice is a part of the duties of any such person's salaried position, and insofar as such practice is performed solely on behalf of such person's employer, so long as such practice is under the direction of a licensed psychologist, licensed clinical psychotherapist, a person licensed by the state board of healing arts to practice medicine and surgery or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of mental disorders~~ or insofar as such person is engaged in public speaking with or without remuneration;

(d) to limit the practice of psychology or services of a student, intern or resident in psychology pursuing a degree in psychology in a school, college, university or other institution, with educational standards consistent with those of the state universities of Kansas if such practice or services are supervised as a part of such person's degree program. Nothing contained in this section shall be construed as permitting such persons to offer their services as psychologists to any other person and to accept

remuneration for such psychological services other than as specifically excepted herein, unless they have been licensed under the provisions of the licensure of psychologists act of the state of Kansas, registered under the provisions of K.S.A. 74-5361 ~~to~~ through 74-5371, ~~inclusive~~, and amendments thereto, or granted a temporary license under the provisions of K.S.A. 74-5367, and amendments thereto;

(e) to prevent the employment, by a person, association, partnership or a corporation furnishing psychological services for remuneration, of persons licensed as psychologists under the provisions of the licensure of psychologists act of the state of Kansas;

(f) to restrict the use of tools, tests, instruments or techniques usually denominated "psychological," so long as the user does not represent oneself to be a licensed psychologist or a licensed masters level psychologist;

(g) to permit persons licensed as psychologists to engage in the practice of medicine as defined in the laws of this state, nor to require such licensed psychologists to comply with the Kansas healing arts act;

(h) to restrict the use of the term "social psychologist" by any person who has received a doctoral degree in sociology or social psychology from an institution whose credits in sociology or social psychology are acceptable by a school or college as defined in the licensure of psychologists act of the state of Kansas, and who has passed comprehensive examination in the field of social psychology as a part of the requirements for the doctoral degree or has had equivalent specialized training in social psychology;

(i) to restrict the practice of psychology by a person who is certified as a school psychologist by the state department of education so long as such practice is conducted as a part of the duties of employment by a unified school district or as part of an independent evaluation conducted in accordance with K.S.A. 72-3405, and amendments thereto, including the use of the term "school psychologist" by such person in conjunction with such practice; or

(j) to restrict the use of the term psychologist or the practice of psychology by psychologists not licensed under the licensure of psychologists act of the state of Kansas in institutions for people with intellectual disability, in a juvenile correctional facility, as defined in K.S.A. 2018 Supp. 38-2302, and amendments thereto, or in institutions within the department of corrections insofar as such term is used or such practice of psychology is performed solely in conjunction with such person's employment by any such institution or juvenile correctional facility.

(k) Any person not licensed as a psychologist but who immediately prior to the effective date of this act was engaged in the practice of psychology in accordance with subsection (e) as it existed immediately prior to the effective date of this act under the supervision of a licensed psychologist may continue on and after the effective date of this act to engage in such practice in the manner authorized by subsection (e) as it existed immediately prior to the effective date of this act.

Sec. 23. K.S.A. 74-5375 is hereby amended to read as follows: 74-5375. (a) The behavioral sciences regulatory board may issue a license to an individual who is currently registered, certified or licensed to practice psychology at the master's level in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice psychology at the master's level in the other jurisdiction are substantially equivalent to the

requirements of this state; or

(2) the applicant demonstrates, on forms provided by the board, compliance with the following standards adopted by the board:

(A) Registration, certification or licensure to practice psychology at the master's level for at least ~~60~~ 48 of the last ~~66~~ 54 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) at least a master's degree in psychology from a regionally accredited university or college.

(b) Applicants for licensure as a clinical psychotherapist shall additionally demonstrate competence to diagnose and treat mental disorders through meeting the requirements of either subsection (a)(1) or (a)(2) and at least two of the following areas acceptable to the board:

(1) Either graduate coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board;

(2) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders; or

(3) attestation from a professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery, stating that the applicant is competent to diagnose and treat mental disorders.

(c) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 74-5365, and amendments thereto, if required by the board.

Sec. 24. K.S.A. 74-5376 is hereby amended to read as follows: 74-5376. K.S.A. 74-5361 through ~~74-5374~~ and ~~K.S.A. 74-5375~~, and amendments thereto, and section 4, and amendments thereto, shall be known and may be cited as the licensure of master's level psychologists act.

Sec. 25. K.S.A. 65-6306 is hereby amended to read as follows: 65-6306. (a) The board shall issue a license as a baccalaureate social worker to an applicant who:

(1) Has a baccalaureate degree from an accredited college or university, including completion of a social work program recognized and approved by the board, pursuant to rules and regulations adopted by the board;

(2) has passed an examination approved by the board for this purpose; and

(3) has satisfied the board that the applicant is a person who merits the public trust.

(b) The board shall issue a license as a master social worker to an applicant who:

(1) Has a master's degree from an accredited college or university, including completion of a social work program recognized and approved by the board, pursuant to rules and regulations adopted by the board;

(2) has passed an examination approved by the board for this purpose; and

(3) has satisfied the board that the applicant is a person who merits the public trust.

(c) The board shall issue a license in one of the social work specialties to an applicant who:

(1) Has a master's or doctor's degree from an accredited graduate school of social work, including completion of a social work program recognized and approved by the board, pursuant to rules and regulations adopted by the board;

(2) has had two years of full-time post-master's or post-doctor's degree experience under the supervision of a licensed social worker in the area of the specialty in which such applicant seeks to be licensed;

(3) has passed an examination approved by the board for this purpose; and

(4) has satisfied the board that the applicant is a person who merits the public trust.

(d) (1) The board shall issue a license as a specialist clinical social worker to an applicant who:

(A) Has met the requirements of subsection (c);

(B) has completed 15 credit hours as part of or in addition to the requirements under subsection (c) supporting diagnosis or treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, through identifiable study of the following content areas: Psychopathology, diagnostic assessment, interdisciplinary referral and collaboration, treatment approaches and professional ethics;

(C) has completed a graduate level supervised clinical practicum of supervised professional experience including psychotherapy and assessment, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, with not less than 350 hours of direct client contact or additional postgraduate supervised experience as determined by the board;

(D) has completed as part of or in addition to the requirements of subsection (c) not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than ~~4,000~~ 3,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting psychotherapy and assessments with individuals, couples, families or groups and not less than ~~150~~ 100 hours of clinical supervision, including not less than 75 hours of person-to-person individual supervision, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual;

(E) for persons earning a degree under subsection (c) prior to July 1, 2003, in lieu of the education and training requirements under parts (B) and (C) of this subsection, has completed the education requirements for licensure as a specialist clinical social worker in effect on the day immediately preceding the effective date of this act;

(F) for persons who apply for and are eligible for a temporary license to practice as a specialist clinical social worker on the day immediately preceding the effective date of this act, in lieu of the education and training requirements under parts (B), (C) and (D) of this subsection, has completed the education and training requirements for licensure as a specialist clinical social worker in effect on the day immediately preceding the effective date of this act;

(G) has passed an examination approved by the board; and

(H) has paid the application fee.

(2) A licensed specialist clinical social worker may engage in the social work practice and is authorized to diagnose and treat mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations. When a client has symptoms of a mental disorder, a licensed specialist clinical social worker shall consult with the client's primary care physician or psychiatrist to determine if there may be a medical condition or medication that may be causing or contributing to the client's

symptoms of a mental disorder. A client may request in writing that such consultation be waived and such request shall be made a part of the client's record. A licensed specialist clinical social worker may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

(3) Notwithstanding any other provision of this subsection, a licensed master social worker who has provided to the board an acceptable clinical supervision plan for licensure as a specialist clinical social worker prior to the effective date of this act shall be licensed as a specialist clinical social worker under this act upon completion of the requirements in effect for licensure as a specialist clinical social worker at the time the acceptable training plan is submitted to the board.

(4) A person licensed as a specialist clinical social worker on the day immediately preceding the effective date of this act shall be deemed to be a licensed specialist clinical social worker under this act. Such person shall not be required to file an original application for licensure as a specialist clinical social worker under this act.

(e) The board shall adopt rules and regulations establishing the criteria which a social work program of a college or university shall satisfy to be recognized and approved by the board under this section. The board may send a questionnaire developed by the board to any college or university conducting a social work program for which the board does not have sufficient information to determine whether the program should be recognized and approved by the board and whether the program meets the rules and regulations adopted under this section. The questionnaire providing the necessary information shall be completed and returned to the board in order for the program to be considered for recognition and approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about a social work program of a college or university. In entering such contracts the authority to recognize and approve a social work program of a college or university shall remain solely with the board.

Sec. 26. K.S.A. 2018 Supp. 39-923 is hereby amended to read as follows: 39-923. (a) As used in this act:

(1) "Adult care home" means any nursing facility, nursing facility for mental health, intermediate care facility for people with intellectual disability, assisted living facility, residential healthcare facility, home plus, boarding care home and adult day care facility; all of which are classifications of adult care homes and are required to be licensed by the secretary for aging and disability services.

(2) "Nursing facility" means any place or facility operating 24 hours a day, seven days a week, caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments, need skilled nursing care to compensate for activities of daily living limitations.

(3) "Nursing facility for mental health" means any place or facility operating 24 hours a day, seven days a week, caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments, need skilled nursing care and special mental health services to compensate for activities of daily living limitations.

(4) "Intermediate care facility for people with intellectual disability" means any place or facility operating 24 hours a day, seven days a week, caring for four or more individuals not related within the third degree of relationship to the administrator or

owner by blood or marriage and who, due to functional impairments caused by intellectual disability or related conditions, need services to compensate for activities of daily living limitations.

(5) "Assisted living facility" means any place or facility caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes apartments for residents and provides or coordinates a range of services including personal care or supervised nursing care available 24 hours a day, seven days a week, for the support of resident independence. The provision of skilled nursing procedures to a resident in an assisted living facility is not prohibited by this act. Generally, the skilled services provided in an assisted living facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.

(6) "Residential healthcare facility" means any place or facility, or a contiguous portion of a place or facility, caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes individual living units and provides or coordinates personal care or supervised nursing care available on a 24-hour, seven-days-a-week basis for the support of resident independence. The provision of skilled nursing procedures to a resident in a residential healthcare facility is not prohibited by this act. Generally, the skilled services provided in a residential healthcare facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.

(7) "Home plus" means any residence or facility caring for not more than 12 individuals not related within the third degree of relationship to the operator or owner by blood or marriage unless the resident in need of care is approved for placement by the secretary for children and families, and who, due to functional impairment, needs personal care and may need supervised nursing care to compensate for activities of daily living limitations. The level of care provided to residents shall be determined by preparation of the staff and rules and regulations developed by the Kansas department for aging and disability services. An adult care home may convert a portion of one wing of the facility to a not less than five-bed and not more than 12-bed home plus facility provided that the home plus facility remains separate from the adult care home, and each facility must remain contiguous. Any home plus that provides care for more than eight individuals after the effective date of this act shall adjust staffing personnel and resources as necessary to meet residents' needs in order to maintain the current level of nursing care standards. Personnel of any home plus who provide services for residents with dementia shall be required to take annual dementia care training.

(8) "Boarding care home" means any place or facility operating 24 hours a day, seven days a week, caring for not more than 10 individuals not related within the third degree of relationship to the operator or owner by blood or marriage and who, due to functional impairment, need supervision of activities of daily living but who are ambulatory and essentially capable of managing their own care and affairs.

(9) "Adult day care" means any place or facility operating less than 24 hours a day

caring for individuals not related within the third degree of relationship to the operator or owner by blood or marriage and who, due to functional impairment, need supervision of or assistance with activities of daily living.

(10) "Place or facility" means a building or any one or more complete floors of a building, or any one or more complete wings of a building, or any one or more complete wings and one or more complete floors of a building, and the term "place or facility" may include multiple buildings.

(11) "Skilled nursing care" means services performed by or under the immediate supervision of a registered professional nurse and additional licensed nursing personnel. Skilled nursing includes administration of medications and treatments as prescribed by a licensed physician or dentist; and other nursing functions ~~which that~~ require substantial nursing judgment and skill based on the knowledge and application of scientific principles.

(12) "Supervised nursing care" means services provided by or under the guidance of a licensed nurse with initial direction for nursing procedures and periodic inspection of the actual act of accomplishing the procedures; administration of medications and treatments as prescribed by a licensed physician or dentist and assistance of residents with the performance of activities of daily living.

(13) "Resident" means all individuals kept, cared for, treated, boarded or otherwise accommodated in any adult care home.

(14) "Person" means any individual, firm, partnership, corporation, company, association or joint-stock association, and the legal successor thereof.

(15) "Operate an adult care home" means to own, lease, sublease, establish, maintain, conduct the affairs of or manage an adult care home, except that for the purposes of this definition the word "own" and the word "lease" shall not include hospital districts, cities and counties ~~which that~~ hold title to an adult care home purchased or constructed through the sale of bonds.

(16) "Licensing agency" means the secretary for aging and disability services.

(17) "Skilled nursing home" means a nursing facility.

(18) "Intermediate nursing care home" means a nursing facility.

(19) "Apartment" means a private unit ~~which that~~ includes, but is not limited to, a toilet room with bathing facilities, a kitchen, sleeping, living and storage area and a lockable door.

(20) "Individual living unit" means a private unit ~~which that~~ includes, but is not limited to, a toilet room with bathing facilities, sleeping, living and storage area and a lockable door.

(21) "Operator" means an individual registered pursuant to the operator registration act, K.S.A. 2018 Supp. 39-973 et seq., and amendments thereto, who may be appointed by a licensee to have the authority and responsibility to oversee an assisted living facility or residential healthcare facility with fewer than 61 residents, a home plus or adult day care facility.

(22) "Activities of daily living" means those personal, functional activities required by an individual for continued well-being, including, but not limited to, eating, nutrition, dressing, personal hygiene, mobility and toileting.

(23) "Personal care" means care provided by staff to assist an individual with, or to perform activities of daily living.

(24) "Functional impairment" means an individual has experienced a decline in

physical, mental and psychosocial well-being and as a result, is unable to compensate for the effects of the decline.

(25) "Kitchen" means a food preparation area that includes a sink, refrigerator and a microwave oven or stove.

(26) The term "intermediate personal care home" for purposes of those individuals applying for or receiving veterans' benefits means residential healthcare facility.

(27) "Paid nutrition assistant" means an individual who is paid to feed residents of an adult care home, or who is used under an arrangement with another agency or organization, who is trained by a person meeting nurse aide instructor qualifications as prescribed by 42 C.F.R. § 483.152, 42 C.F.R. § 483.160 and 42 C.F.R. § 483.35(h), and who provides such assistance under the supervision of a registered professional or licensed practical nurse.

(28) "Medicaid program" means the Kansas program of medical assistance for which federal or state moneys, or any combination thereof, are expended, or any successor federal or state, or both, health insurance program or waiver granted thereunder.

(29) "Licensee" means any person or persons acting jointly or severally who are licensed by the secretary for aging and disability services pursuant to the adult care home licensure act, K.S.A. 39-923 et seq., and amendments thereto.

(30) "Insolvent" means that the adult care home, or any individual or entity that operates an adult care home or appears on the adult care home license, has stopped paying debts in the ordinary course of business or is unable to pay debts as they come due in the ordinary course of business.

(b) The term "adult care home" ~~shall does~~ not include institutions operated by federal or state governments, except institutions operated by the director of the Kansas commission on veterans affairs office, hospitals or institutions for the treatment and care of psychiatric patients, child care facilities, maternity centers, hotels, offices of physicians or hospices ~~which that~~ are certified to participate in the medicare program under ~~42 code of federal regulations, chapter IV, C.F.R. § 418.1 et seq., and amendments thereto, and which that~~ provide services only to hospice patients, or centers approved by the centers for medicare and medicaid services as a program for all-inclusive care for the elderly (PACE) under ~~42 code of federal regulations, chapter IV, part C.F.R. § 460 et seq., and amendments thereto, which that~~ provides services only to PACE participants.

(c) Nursing facilities in existence on the effective date of this act changing licensure categories to become residential healthcare facilities shall be required to provide private bathing facilities in a minimum of 20% of the individual living units.

(d) Facilities licensed under the adult care home licensure act on the day immediately preceding the effective date of this act shall continue to be licensed facilities until the annual renewal date of such license and may renew such license in the appropriate licensure category under the adult care home licensure act subject to the payment of fees and other conditions and limitations of such act.

(e) Nursing facilities with less than 60 beds converting a portion of the facility to residential healthcare shall have the option of licensing for residential healthcare for less than six individuals but not less than 10% of the total bed count within a contiguous portion of the facility.

(f) The licensing agency may by rule and regulation change the name of the

different classes of homes when necessary to avoid confusion in terminology and the agency may further amend, substitute, change and in a manner consistent with the definitions established in this section, further define and identify the specific acts and services ~~which that~~ shall fall within the respective categories of facilities so long as the above categories for adult care homes are used as guidelines to define and identify the specific acts.

Sec. 27. K.S.A. 2018 Supp. 39-927 is hereby amended to read as follows: 39-927.

(a) An application for a license to operate an adult care home shall be made in writing to the licensing agency upon forms provided by ~~it~~ the licensing agency and shall be in such form and shall contain such information as the licensing agency shall require, ~~which may include if applicable:~~

(1) A detailed projected budget for the first 12 months of operation, prepared in accordance with generally accepted accounting principles and certified by the principal officer of the applicant, accompanied by evidence of access to a sufficient amount of working capital required to operate the adult care home in accordance with the budget, in the form of cash on deposit, a line of credit, applicant's equity, or any combination thereof;

(2) a list of each current or previously licensed facility in Kansas or any other state, territory or country or the District of Columbia in which the applicant has or previously had any percentage of ownership in the operations or the real property of the facility; and

(3) affirmative evidence of the applicant's ability to comply with such reasonable standards and rules and regulations as are adopted under the provisions of this act.

(b) The application shall be signed by the person or persons seeking to operate an adult care home, as specified by the licensing agency, or by a duly authorized agent of any person so specified.

(c) Any nonprofit corporation operating a nursing facility for people with intellectual disability ~~which that~~, on the effective date of this act, includes more than one residential building located on one site or on contiguous sites may apply for a license to operate a new nursing facility for people with intellectual disability ~~which that~~ includes more than one residential building located on one site or on contiguous sites and may apply for one license for each residential building located on the new site, except that total resident population at any such location shall not exceed 75 residents.

Sec. 28. K.S.A. 2018 Supp. 39-931 is hereby amended to read as follows: 39-931.

(a) Whenever the licensing agency finds a substantial failure to comply with the requirements, standards or rules and regulations established under this act ~~or that a receiver has been appointed under K.S.A. 39-958, and amendments thereto, it, the licensing agency~~ shall make an order denying, suspending or revoking the license after notice and a hearing in accordance with the provisions of the Kansas administrative procedure act, K.S.A. 77-501 et seq., and amendments thereto. Any applicant or licensee who is aggrieved by the order may appeal such order in accordance with the provisions of the Kansas judicial review act, K.S.A. 77-601 et seq., and amendments thereto.

(b) Except as provided in subsection (c), whenever the licensing agency denies, suspends or revokes a license under this section, the applicant or licensee shall not be eligible to apply for a new license or reinstatement of a license for a period of two years from the date of denial, suspension or revocation, and whenever the district court

appoints a receiver under K.S.A. 39-958, and amendments thereto, the applicant or licensee that is under receivership shall not be eligible to apply for a new license or reinstatement of a license for a period of 10 years from the date the receivership action was terminated under K.S.A. 39-963, and amendments thereto.

(c) (1) Any applicant or licensee issued an emergency order by the licensing agency denying, suspending or revoking a license under this section may apply for a new license or reinstatement of a license at any time upon submission of a written waiver of any right conferred upon such applicant or licensee under the Kansas administrative procedure act, ~~K.S.A. 77-501 et seq., and amendments thereto;~~ and the Kansas judicial review act, ~~K.S.A. 77-601 et seq., and amendments thereto;~~ to the licensing agency in a settlement agreement or other manner as approved by the licensing agency.

(2) Any licensee issued a notice of intent to take disciplinary action by the licensing agency under this section may enter into a settlement agreement or other manner as approved by the licensing agency, with the licensing agency, at any time upon submission of a written waiver of any right conferred upon such licensee under the Kansas administrative procedure act, ~~K.S.A. 77-501 et seq., and amendments thereto;~~ and the Kansas judicial review act, ~~K.S.A. 77-601 et seq., and amendments thereto.~~

(d) No person shall operate an intermediate care facility for people with intellectual disability, as defined in K.S.A. 39-923, and amendments thereto, of five beds or less, ~~as defined by subsection (a)(4) of K.S.A. 39-923, and amendments thereto;~~ within this state unless such person:

(A) Is issued a license by the licensing agency on or before January 1, 2012; or

(B) participated in the medicaid program as an intermediate care facility for people with intellectual disability of five beds or less, on or before January 1, 2012.

Sec. 29. K.S.A. 2018 Supp. 39-931a is hereby amended to read as follows: 39-931a. (a) As used in this section, the term "person" means any person who is an applicant for a license to operate an adult care home or who is the licensee of an adult care home and who has any direct or indirect ownership interest ~~of 25% or more~~ in an adult care home or who is the owner, in whole or in part, of any mortgage, deed of trust, note or other obligation secured, in whole or in part, by such facility or any of the property or assets of such facility, or who, if the facility is organized as a corporation, is an officer or director of the corporation, or who, if the facility is organized as a partnership, is a partner.

(b) Pursuant to K.S.A. 39-931, and amendments thereto, the licensing agency may deny a license to any person and may suspend or revoke the license of any person who:

(1) Has willfully or repeatedly violated any provision of law or rules and regulations adopted pursuant to article 9 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto;

(2) has had a license to operate an adult care home denied, suspended, revoked or limited, has been censured or has had other disciplinary action taken, or an application for a license denied, by the proper licensing authority of another state, territory, District of Columbia or other country, a certified copy of the record of such action of the other jurisdiction being conclusive evidence thereof;

(3) has failed or refused to comply with the medicaid requirements of title XIX of the social security act, or medicaid regulations under chapter IV of title 42 of the code of federal regulations, a certified copy of the record of such action being conclusive evidence thereof;

(4) has failed or refused to comply with the medicare requirements of chapter 7 of title 42 of the United States code, or medicare regulations under chapter IV of title 42 of the code of federal regulations, a certified copy of the record of such action being conclusive evidence thereof;

(5) has been convicted of a felony;

(6) has failed to assure that nutrition, medication and treatment of residents, including the use of restraints, are in accordance with acceptable medical practices;

(7) has aided, abetted, sanctioned or condoned any violation of law or rules and regulations adopted pursuant to article 9 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto; or

(8) has willfully admitted a person to a nursing facility in violation of K.S.A. 39-968, and amendments thereto.

Sec. 30. K.S.A. 39-955 is hereby amended to read as follows: 39-955. The application for receivership shall be filed in the Shawnee county district court or the district court in the county where the adult care home is located. The application shall be verified and set forth the specific reasons therefor.

Sec. 31. K.S.A. 39-956 is hereby amended to read as follows: 39-956. The applicant shall serve those persons set forth in K.S.A. 39-954, and amendments thereto, with copies of the application. Service of process shall be as provided for under the code of civil procedure. The applicant shall also send ~~five (5) copies~~ a copy of the application for receivership to the adult care home. The adult care home shall post ~~the copies of the application in a conspicuous place~~ place within the adult care home.

Sec. 32. K.S.A. 39-957 is hereby amended to read as follows: 39-957. A party shall file an answer to the application within five ~~(5)~~ days after the service of process of the application ~~upon such person~~.

Sec. 33. K.S.A. 2018 Supp. 39-958 is hereby amended to read as follows: 39-958. (a) The application for receivership shall be given priority by the district court and shall be heard no later than the seventh day following the filing of the ~~application answer or other responsive pleading~~. A continuance of no more than ~~10~~ 14 days may be granted by the district court for good cause. The district court shall give all parties who have filed an answer the opportunity to present evidence pertaining to the application. If the district court finds that the facts warrant the granting of the application, the court shall appoint the secretary for aging and disability services or the designee of the secretary as receiver to operate the home.

(b) Upon the appointment of a receiver under this section, the receiver shall be granted a license by the licensing agency to operate an adult care home as provided under the provisions of article 9 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto. The provisions of article 9 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, relating to inspection prior to granting a license to operate an adult care home and relating to payment of license fees shall not apply to a license granted to a receiver under this section, and such license shall remain in effect during the existence of the receivership and shall expire on the termination of the receivership. ~~The receiver shall make application for the license on forms provided for this purpose by the licensing agency.~~

Sec. 34. K.S.A. 39-959 is hereby amended to read as follows: 39-959. (a) A receiver appointed in accordance with the provisions of this act shall have the following powers and duties:

- ~~(a)~~(1) Conduct the day to day business operations of the adult care home;
- (2) operate the adult care home to provide safe and adequate healthcare for the residents of the adult care home;
- (3) correct or eliminate any deficiency in the adult care home that concerns the health, safety, nutrition or sanitation of the residents of the adult care home and that is life threatening or endangering;
- (4) provide for the orderly transfer of all residents of the adult care home to other adult care homes or make other provisions for such residents' continued safety and healthcare, as necessary;
- (5) be entitled to the immediate use of all proceeds of any accounts receivable to discharge the powers and duties of the receiver;
- (6) collect incoming payments from all sources and apply such payments to costs incurred in the performance of the receiver's powers and duties, including compensation of the receiver, if any;
- (7) enter into or terminate contracts as necessary to carry out the receiver's powers and duties and incur expenses for individual items for repairs, improvements or supplies, without being subject to any requirements to procure competitive bids established by law;
- (8) repay expenditures of the receiver from moneys appropriated to the Kansas department for aging and disability services for purposes set forth in K.S.A. 39-954 et seq., and amendments thereto, if incoming payments from the operation of the adult care home exceed the costs incurred by the receiver in the performance of the receiver's powers and duties; and
- (9) other powers and duties as authorized or imposed by the district court.
- (b) If incoming payments from the operation of the adult care home exceed the costs incurred by the receiver in the performance of the receiver's powers and duties, the receiver may:
- (1) Pay post-receivership quality care assessments as established under Kansas law;
- (2) reimburse the owner or licensee, as appropriate, a fair monthly rental for the adult care home, taking into account all relevant factors, including the condition of such adult care home and set-offs arising from improvements made by the receiver; and
- ~~(c)~~(3) give fair compensation to the owner or licensee, as appropriate, for all property taken or used during the course of the receivership if such person has not previously received compensation for the property being taken or used;
- ~~(d)~~ correct or eliminate any deficiency in the adult care home that concerns the health, safety, nutrition, or sanitation of the residents of the adult care home and is life threatening or endangering;
- ~~(e)~~ enter into contracts as necessary to carry out his or her duties as receiver and incur expenses for individual items of repairs, improvements or supplies without the procurement of competitive bids, if otherwise required by law, where the total amount of such individual item does not exceed five hundred dollars (\$500);
- ~~(f)~~ collect incoming payments from all sources and apply them to the costs incurred in the performance of his or her functions as receiver including the compensation of the receiver, if any;
- ~~(g)~~ honor all existing leases, mortgages, chattel mortgages and security interests;
- ~~(h)~~ operate the adult care home so as to provide safe and adequate health care for the residents of the adult care home;

(i) ~~provide for the orderly transfer of all residents in the adult care home to other adult care homes or make other provisions for their continued safety and health care, as necessary;~~

(j) ~~other powers and duties as authorized or imposed by the district court.~~

Sec. 35. K.S.A. 2018 Supp. 39-960 is hereby amended to read as follows: 39-960.

(a) The secretary for aging and disability services, upon request of a receiver, may authorize expenditures from moneys appropriated for purposes set forth in this act if incoming payments from the operation of the adult care home are less than the cost incurred by the receiver in the performance of the receiver's functions as receiver or for purposes of initial operating expenses of the receivership.

(b) Any payments made by the secretary for aging and disability services pursuant to this section shall be owed by the owner, operator or licensee, including any individuals or entities that appear on the license issued by the secretary pursuant to the adult care home licensure act, and repaid to the secretary for aging and disability services when the receivership is terminated pursuant to K.S.A. 39-963, and amendments thereto, and until repaid shall constitute a lien against all non-exempt personal and real property of the owner, operator or licensee.

Sec. 36. K.S.A. 2018 Supp. 39-961 is hereby amended to read as follows: 39-961.

(a) The personnel and facilities of the Kansas department for aging and disability services shall be available to the receiver for the purposes of carrying out the receiver's duties as receiver as authorized by the secretary for aging and disability services.

(b) The Kansas department for aging and disability services shall itemize and keep a ledger showing costs of personnel and other expenses establishing the receivership and assisting the receiver and such amount shall be owed by the owner, operator or licensee to the Kansas department for aging and disability services. Such department shall submit a bill for such expenses to the receiver for inclusion in the receiver's final accounting. Any amount so billed and until repaid shall constitute a lien against all ~~nonexempt non-exempt~~ personal and real property of the owner, operator or licensee, including any individuals or entities that appear on the license issued by the secretary pursuant to the adult care home licensure act.

Sec. 37. K.S.A. 2018 Supp. 39-963 is hereby amended to read as follows: 39-963.

(a) The court shall terminate the receivership only under any of the following circumstances:

(1) Twenty-four months after the date on which the receivership was ordered;

(2) a new license, other than the license granted to the receiver under K.S.A. 39-958, and amendments thereto, has been granted to operate the adult care home; or

(3) at such time as all of the residents in the adult care home have been provided alternative modes of healthcare, either in another adult care home or otherwise.

(b) (1) At the time of termination of the receivership, the receiver shall render a full and complete accounting to the district court and shall make disposition of surplus money at the direction of the district court.

(2) The court may make such additional orders as are appropriate to recover the expenses and costs to the Kansas department for aging and disability services ~~and the secretary for children and families~~ incurred pursuant to K.S.A. 39-960 or 39-961, and amendments thereto.

Sec. 38. K.S.A. 65-7202 is hereby amended to read as follows: 65-7202. As used in K.S.A. 65-7201 ~~to through~~ through 65-7218, ~~inclusive,~~ and amendments thereto:

(a) "Naturopathic doctor" means a doctor of naturopathic medicine who is authorized and licensed pursuant to this act.

(b) (1) "Naturopathic medicine," or "naturopathy" means a system of health care practiced by naturopathic doctors for the prevention, diagnosis and treatment of human health conditions, injuries and diseases, that uses education, natural medicines and therapies to support and stimulate the individual's intrinsic self-healing processes, and includes: (A) Prescribing, recommending or administering: (1)(i) Food, food extracts, vitamins, minerals, enzymes, whole gland thyroid, botanicals, homeopathic preparations, nonprescription drugs, plant substances that are not designated as prescription drugs or controlled substances, topical drugs as defined in subsection (i) of this section, and amendments thereto; (2)(ii) health care counseling, nutritional counseling and dietary therapy, naturopathic physical applications, barrier contraceptive devices; (3)(iii) substances on the naturopathic formulary which that are authorized for intramuscular or intravenous administration pursuant to a written protocol entered into with a physician who has entered into a written protocol with a naturopathic doctor licensed under this act the naturopathic doctor licensure act; (4)(iv) noninvasive physical examinations, venipuncture to obtain blood for clinical laboratory tests and orofacial examinations, excluding endoscopies; (5)(v) minor office procedures; and (6)(vi) naturopathic acupuncture; and (B) ordering diagnostic imaging studies, including, but not limited to, x-ray, ultrasound, mammogram, bone densitometry, computed tomography, magnetic resonance imaging and electrocardiograms, except that naturopathic doctors shall refer patients to an appropriately licensed and qualified healthcare professional to conduct diagnostic imaging studies and interpret the results of such studies.

(2) A naturopathic doctor may not perform surgery, obstetrics, administer ionizing radiation, or prescribe, dispense or administer any controlled substances as defined in K.S.A. 65-4101, and amendments thereto, or any prescription-only drugs except those listed on the naturopathic formulary adopted by the board pursuant to this act.

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

(d) "Approved naturopathic medical college" means a college and program granting the degree of doctor of naturopathy or naturopathic medicine that has been approved by the board under this act and which college and program requires at a minimum a four-year, full-time resident program of academic and clinical study.

(e) "Homeopathic preparations" means substances and drugs prepared according to the official homeopathic pharmacopoeia recognized by the United States food and drug administration.

(f) "Naturopathic acupuncture" means the insertion of fine metal needles through the skin at specific points on or near the surface of the body with or without the palpation of specific points on the body and with or without the application of electric current or heat to the needles or skin or both to treat human disease and impairment and to relieve pain.

(g) "Minor office procedures" means care incidental to superficial lacerations and abrasions, superficial lesions and the removal of foreign bodies located in the superficial tissues, except eyes, and not involving blood vessels, tendons, ligaments or nerves. "Minor office procedures" includes use of antiseptics, but shall not include the suturing, repairing, alteration or removal of tissue or the use of general or spinal anesthesia. Minor office procedures does not include anesthetics or surgery.

(h) "Naturopathic physical applications" means the therapeutic use by naturopathic doctors of the actions or devices of electrical muscle stimulation, galvanic, diathermy, ultrasound, ultraviolet light, constitutional hydrotherapy, naturopathic musculoskeletal technique and therapeutic exercise.

(i) "Topical drugs" means topical analgesics, antiseptics, scabicides, antifungals and antibacterials but does not include prescription only drugs.

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

(k) "Written protocol" means a formal written agreement between a naturopathic doctor licensed under this act and a person licensed to practice medicine and surgery. Any licensee of the board entering into a written protocol with a licensed naturopathic doctor shall notify the board in writing of such relationship by providing such information as the board may require.

Sec. 39. K.S.A. 65-7302 is hereby amended to read as follows: 65-7302. As used in this act:

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

(b) "Ionizing radiation" means x-rays, gamma rays, alpha and beta particles, high speed electrons, protons, neutrons and other nuclear particles capable of producing ions directly or indirectly in its passage through matter.

(c) "License" means a certificate issued by the board authorizing the licensee to perform radiologic technology procedures on humans for diagnostic or therapeutic purposes.

(d) "Licensed practitioner" means a person licensed to practice medicine and surgery, dentistry, podiatry or chiropractic in this state, or a person licensed as a physician assistant, advanced practice registered nurse or naturopathic doctor in this state.

(e) "Licensure" and "licensing" mean a method of regulation by which the state grants permission to persons who meet predetermined qualifications to engage in a health related occupation or profession.

(f) "Nuclear medicine technologist" means a person who uses radio pharmaceutical agents on humans for diagnostic or therapeutic purposes.

(g) "Nuclear medicine technology" means the use of radio nuclides on human beings for diagnostic or therapeutic purposes.

(h) "Radiation therapist" means a person who applies radiation to humans for therapeutic purposes.

(i) "Radiation therapy" means the use of any radiation procedure or article intended for the cure, mitigation or prevention of disease in humans.

(j) "Radiographer" means a person who applies radiation to humans for diagnostic purposes.

(k) "Radiography" means the use of ionizing radiation on human beings for diagnostic purposes.

(l) "Radiologic technologist" means any person who is a radiographer, radiation therapist or nuclear medicine technologist.

(m) "Radiologic technology" means the use of radioactive substance or equipment emitting or detecting ionizing radiation on humans for diagnostic or therapeutic purposes upon prescription of a licensed practitioner. The term includes the practice of radiography, nuclear medicine technology and radiation therapy, but does not include echocardiography, diagnostic sonography and magnetic resonance imaging.

~~(n) This section shall take effect on and after July 1, 2005.~~

Sec. 40. K.S.A. 39-955, 39-956, 39-957, 39-959, 65-5801, 65-5807, 65-6306, 65-6309, 65-6321, 65-6401, 65-6405, 65-6406, 65-6411, 65-6611, 65-6613, 65-7202, 65-7302, 74-5301, 74-5310, 74-5315, 74-5316, 74-5344, 74-5375 and 74-5376 and K.S.A. 2018 Supp. 39-923, 39-927, 39-931, 39-931a, 39-958, 39-960, 39-961 and 39-963 are hereby repealed."

Also on page 6, in line 8, by striking "statute book" and inserting "Kansas register";
And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in line 2; in line 3, by striking all before the period and inserting "public health; relating to the behavioral sciences regulatory board; licensure requirements for certain behavioral sciences professions; naturopathic doctors; scope of practice; adult care homes; licensure; receivership; financial solvency; amending K.S.A. 39-955, 39-956, 39-957, 39-959, 65-5801, 65-5807, 65-6306, 65-6309, 65-6321, 65-6401, 65-6405, 65-6406, 65-6411, 65-6611, 65-6613, 65-7202, 65-7302, 74-5301, 74-5310, 74-5315, 74-5316, 74-5344, 74-5375 and 74-5376 and K.S.A. 2018 Supp. 39-923, 39-927, 39-931, 39-931a, 39-958, 39-960, 39-961 and 39-963 and repealing the existing sections";

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

BRENDA LANDWEHR

JOHN EPLEE

MONICA MURNAN

Conferees on part of House

GENE SUELLENTROP

ED BERGER

BARBARA BOLLIER

Conferees on part of Senate

Senator Suellentrop moved the Senate adopt the Conference Committee Report on **SB 15**.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware.

Absent or Not Voting: Estes, Wilborn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MADAM PRESIDENT: Your committee on conference on Senate amendments to **HB 2119** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, by striking all in lines 9 through 34;

By striking all on page 2;

On page 3, by striking all in lines 1 through 17 and inserting:

"New Section 1. (a) Every prescription order issued for a controlled substance in schedules II-V that contains an opiate, as described in the uniform controlled substances act, shall be transmitted electronically unless:

(1) Electronic prescription orders are not possible due to technological or electronic system failures;

(2) electronic prescribing is not available to the prescriber due to economic hardship or technological limitations that are not reasonably within the control of the prescriber, or other exceptional circumstances exist, as demonstrated by the prescriber;

(3) the prescription order is for a compounded preparation containing two or more components or requires information that makes electronic submission impractical, such as complicated or lengthy instructions for use;

(4) the prescription order is issued by a licensed veterinarian;

(5) the prescriber reasonably determines that it would be impractical for the patient to obtain the substances prescribed by electronic prescription in a timely manner, and such delay would adversely impact the patient's medical condition;

(6) the prescription order is issued pursuant to drug research or drug therapy protocols;

(7) the prescription order is by a prescriber who issues 50 or fewer prescription orders per year for controlled substances that contain opiates; or

(8) the United States food and drug administration requires the prescription order to contain elements that are not compatible or possible with electronic prescriptions.

(b) (1) A prescriber may request a waiver from the provisions of subsection (a) for a period not to exceed six months if such prescriber cannot comply with subsection (a) due to economic hardship, technological limitations that reasonably are not within the prescriber's control or other circumstance demonstrated by the prescriber. If a waiver is granted by the board, the prescriber may request that such waiver be renewed for a period not to exceed six months. Requests for a waiver or renewal shall be submitted to the board in such form and manner as prescribed by the board and shall include the reason for the request and any other information required by the board.

(2) If a prescriber prescribes a controlled substance by non-electronic prescription, such prescriber shall indicate the prescription is made pursuant to a waiver granted pursuant to this section. A pharmacist shall not be required to verify the validity of any waiver, either with the prescriber or the board, but may do so in accordance with K.S.A. 65-1637, and amendments thereto.

(c) The provisions of this section shall be a part of and supplemental to the pharmacy act of the state of Kansas.

(d) The provisions of this section shall take effect on and after July 1, 2021.

New Sec. 2. (a) Notwithstanding any other provision of law, a business entity issued a certificate of authorization by the board may employ or contract with one or more licensees of the board for the purpose of providing professional services for which such licensees hold a valid license issued by the board. Nothing in the Kansas healing arts act shall be construed to prohibit a licensee from being employed by or under contract to provide professional services for a business entity granted a certificate of authorization pursuant to this section. Medical care facilities, as defined by K.S.A. 65-425, and amendments thereto, that are in compliance with department of health and

environment licensure requirements are exempt from the provisions of this section. Nothing contained herein shall be construed to allow a corporation to practice optometry or dentistry, except as otherwise provided in K.S.A. 17-2706, and amendments thereto.

(b) (1) A business entity may apply to the state board of healing arts for a certificate of authorization, on a form and in a manner prescribed by the state board of healing arts, and shall include the following information:

- (A) The name of the business entity;
 - (B) a list of the names of the owners and officers of the business entity;
 - (C) a description of the apportionment of liability of all partners or owners, if the business entity is organized as a limited partnership or a limited liability company;
 - (D) a list of each responsible official if the business entity is organized as a governmental unit; and
 - (E) a list of all licensed physicians and chiropractors to be hired by the business entity.
- (2) As a condition of certification, a business entity shall be required to provide the state board of healing arts evidence of the following:
- (A) The address of the business entity;
 - (B) a city or county occupational license; and
 - (C) licensure of all physicians and chiropractors to be employed by the business entity.

(3) A business entity applying for certification shall remit a fee set by the state board of healing arts through rules and regulations, not to exceed \$1,000.

(c) (1) If the state board of healing arts finds that such business entity is in compliance with all of the requirements of this section, the state board of healing arts shall issue a certificate of authorization to such business entity designating the business entity as authorized to employ individuals licensed to practice medicine and surgery or chiropractic, as applicable.

(2) A certificate of authorization shall be renewed annually and accompanied by a fee to be fixed by the state board of healing arts. The renewal fee shall be accompanied by a form prescribed by the state board of healing arts.

(d) Except as provided in K.S.A. 40-3403, and amendments thereto, no business entity issued a certificate of authorization under this section shall be relieved of responsibility for the conduct or acts of its agents or employees by reason of its compliance with the provisions of this section, nor shall any individual licensed to practice the healing arts be relieved of responsibility and liability for services performed by reason of employment or relationship with such business entity. Nothing in this section shall exempt any business entity from the provisions of any other law applicable to the business entity.

(e) A business entity issued a certificate of authorization under this section shall not:

(1) In any manner, directly or indirectly, interfere with, diminish, restrict, substitute its judgment for or otherwise exercise control over the independent professional judgment and decisions of its employed licensees as it relates to the care of patients; or

(2) prohibit or restrict any employed licensee from discussing with or disclosing to any patient or other individual any medically appropriate healthcare information that such licensee deems appropriate regarding the nature of treatment options, the risks or

alternatives thereto, the process used or the decision made by the business entity to approve or deny healthcare services, the availability of alternate therapies, consultations or tests, or from advocating on behalf of the patient.

(f) As used in this section:

(1) (A) "Business entity" means an employer located in Kansas that utilizes electronic medical records and offers medicine and surgery or chiropractic services solely for its employees and the dependents of such employees at the employer's work site; an organization that is licensed to sell accident and sickness insurance in the state that is also a mutual or non-profit health carrier that utilizes electronic medical records, or a wholly owned subsidiary of such organization that provides medical services solely for the organization's enrollees and dependents of such enrollees; or an information technology company that designs, utilizes and provides electronic medical records for businesses and worksite medical clinics for employers located in Kansas and offers medicine and surgery or chiropractic services solely to its employees and the dependents of such employees at the employer's work sites in Kansas.

(B) "Business entity" does not include medical care facilities under K.S.A. 65-425, and amendments thereto, corporations licensed under K.S.A. 40-3214, and amendments thereto, and professional corporations organized pursuant to the professional corporation law of Kansas.

(2) "Physician" means a person licensed by the state board of healing arts to practice medicine and surgery.

(3) "Licensee" means a person licensed by the state board of healing arts to practice medicine and surgery or chiropractic and whose license is in a full active status and has not been revoked, suspended, limited or placed under probationary conditions.

(g) A business entity's certificate of authorization may be revoked, suspended or limited, may be publicly censured or placed under probationary conditions, or an application for a certificate or for reinstatement of a certificate may be denied upon a finding of the existence of any of the following grounds:

(1) The business entity has committed fraud or misrepresentation in applying for or securing an original, renewal or reinstated certificate.

(2) The business entity has willfully or repeatedly violated this act, the pharmacy act of the state of Kansas or the uniform controlled substances act or any rules and regulations adopted pursuant thereto, or any rules and regulations of the secretary of health and environment that are relevant to the practice of the healing arts.

(3) The business entity has had a certificate, or equivalent authorization, to employ licensees to practice the healing arts revoked, suspended or limited, has been censured or has had other disciplinary action taken or has had an application for a certificate or license denied, by the proper licensing authority of another state.

(4) The business entity has violated any lawful rule and regulation promulgated by the board.

(5) The business entity has failed to report or reveal the knowledge required to be reported or revealed under K.S.A. 65-28,122, and amendments thereto.

(6) The business entity has failed to report to the board any adverse action taken against the business entity by another state or licensing jurisdiction, a governmental agency, by a law enforcement agency or a court for acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action under this section.

(7) The business entity has engaged in conduct likely to deceive, defraud or harm

the public.

(8) The business entity has engaged in conduct that violates patient trust and exploits the licensee-patient relationship for corporate gain.

(9) The business entity has used any false, fraudulent or deceptive statement in any document connected with the practice of the healing arts, including the intentional falsifying or fraudulent altering of a patient healthcare record.

(10) The business entity has failed to furnish to the board, or its investigators or representatives, any information legally requested by the board.

(11) The business entity has had, or failed to report to the board, any adverse judgment, award or settlement against the business entity resulting from a medical liability claim related to acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action under this section.

(12) The business entity has been convicted of a felony or class A misdemeanor, or substantially similar offense in another jurisdiction, related to the practice of the healing arts.

(h) The state board of healing arts shall adopt all rules and regulations as necessary to implement and administer the provisions of this section.

(i) For the purposes of determining the impact on the healthcare stabilization fund of requiring business entities to comply with the provisions of the healthcare provider insurance availability act, the healthcare stabilization fund is hereby directed to conduct such actuarial and operational studies as are necessary to determine such impact, and to report the findings to the legislature on or before January 1, 2020.

(j) This section shall be a part of and supplemental to the Kansas healing arts act.

(k) The provisions of this section shall take effect on and after March 1, 2020.

Sec. 3. On and after March 1, 2020, K.S.A. 65-2803 is hereby amended to read as follows: 65-2803. (a) Unless otherwise specified by the board or as provided in section 2, and amendments thereto, it shall be unlawful for any person who does not have a license, registration, permit or certificate to engage in the practice of any profession regulated by the board or whose license, registration, permit or certificate to practice has been revoked or suspended to engage in the practice of any profession regulated by the board.

(b) This section shall not apply to any healthcare provider who in good faith renders emergency care or assistance at the scene of an emergency or accident as authorized by K.S.A. 65-2891, and amendments thereto.

(c) The commission of any act or practice declared to be a violation of this section may render the violator liable to the state or county for the payment of a civil penalty of up to \$1,000 per day for each day a person engages in the unlawful practice of a profession regulated by the board. In addition to such civil penalty, such violator may be assessed reasonable costs of investigation and prosecution.

(d) Violation of this section is a severity level 10, nonperson felony.

Sec. 4. On and after March 1, 2020, K.S.A. 65-2836 is hereby amended to read as follows: 65-2836. A licensee's license may be revoked, suspended or limited, or the licensee may be publicly censured or placed under probationary conditions, or an application for a license or for reinstatement of a license may be denied upon a finding of the existence of any of the following grounds:

(a) The licensee has committed fraud or misrepresentation in applying for or securing an original, renewal or reinstated license.

(b) The licensee has committed an act of unprofessional or dishonorable conduct or professional incompetency, except that the board may take appropriate disciplinary action or enter into a non-disciplinary resolution when a licensee has engaged in any conduct or professional practice on a single occasion that, if continued, would reasonably be expected to constitute an inability to practice the healing arts with reasonable skill and safety to patients or unprofessional conduct as defined in K.S.A. 65-2837, and amendments thereto.

(c) The licensee has been convicted of a felony or class A misdemeanor, or substantially similar offense in another jurisdiction, whether or not related to the practice of the healing arts, or the licensee has been convicted in a special or general court-martial, whether or not related to the practice of the healing arts. The board shall revoke a licensee's license following conviction of a felony or substantially similar offense in another jurisdiction, or following conviction in a general court-martial occurring after July 1, 2000, unless a $\frac{2}{3}$ majority of the board members present and voting determine by clear and convincing evidence that such licensee will not pose a threat to the public in such person's capacity as a licensee and that such person has been sufficiently rehabilitated to warrant the public trust. In the case of a person who has been convicted of a felony or convicted in a general court-martial and who applies for an original license or to reinstate a canceled license, the application for a license shall be denied unless a $\frac{2}{3}$ majority of the board members present and voting on such application determine by clear and convincing evidence that such person will not pose a threat to the public in such person's capacity as a licensee and that such person has been sufficiently rehabilitated to warrant the public trust.

(d) The licensee has used fraudulent or false advertisements.

(e) The licensee is addicted to or has distributed intoxicating liquors or drugs for any other than lawful purposes.

(f) The licensee has willfully or repeatedly violated this act, the pharmacy act of the state of Kansas or the uniform controlled substances act, or any rules and regulations adopted pursuant thereto, or any rules and regulations of the secretary of health and environment ~~which~~ that are relevant to the practice of the healing arts.

(g) The licensee has unlawfully invaded the field of practice of any branch of the healing arts in which the licensee is not licensed to practice.

(h) The licensee has engaged in the practice of the healing arts under a false or assumed name, or the impersonation of another practitioner. The provisions of this subsection relating to an assumed name shall not apply to licensees practicing under a professional corporation, under a business entity that holds a certificate of authorization pursuant to section 2, and amendments thereto, or under any other legal entity duly authorized to provide such professional services in the state of Kansas.

(i) The licensee's ability to practice the healing arts with reasonable skill and safety to patients is impaired by reason of physical or mental illness, or condition or use of alcohol, drugs or controlled substances. All information, reports, findings and other records relating to impairment shall be confidential and not subject to discovery by or release to any person or entity outside of a board proceeding.

(j) The licensee has had a license to practice the healing arts revoked, suspended or limited, has been censured or has had other disciplinary action taken, or an application for a license denied, by the proper licensing authority of another state, territory, District of Columbia, or other country.

(k) The licensee has violated any lawful rule and regulation promulgated by the board or violated any lawful order or directive of the board previously entered by the board.

(l) The licensee has failed to report or reveal the knowledge required to be reported or revealed under K.S.A. 65-28,122, and amendments thereto.

(m) The licensee, if licensed to practice medicine and surgery, has failed to inform in writing a patient suffering from any form of abnormality of the breast tissue for which surgery is a recommended form of treatment, of alternative methods of treatment recognized by licensees of the same profession in the same or similar communities as being acceptable under like conditions and circumstances.

(n) The licensee has cheated on or attempted to subvert the validity of the examination for a license.

(o) The licensee has been found to be mentally ill, disabled, not guilty by reason of insanity, not guilty because the licensee suffers from a mental disease or defect or incompetent to stand trial by a court of competent jurisdiction.

(p) The licensee has prescribed, sold, administered, distributed or given a controlled substance to any person for other than medically accepted or lawful purposes.

(q) The licensee has violated a federal law or regulation relating to controlled substances.

(r) The licensee has failed to furnish the board, or its investigators or representatives, any information legally requested by the board.

(s) Sanctions or disciplinary actions have been taken against the licensee by a peer review committee, healthcare facility, a governmental agency or department or a professional association or society for acts or conduct similar to acts or conduct ~~which~~ that would constitute grounds for disciplinary action under this section.

(t) The licensee has failed to report to the board any adverse action taken against the licensee by another state or licensing jurisdiction, a peer review body, a healthcare facility, a professional association or society, a governmental agency, by a law enforcement agency or a court for acts or conduct similar to acts or conduct ~~which~~ that would constitute grounds for disciplinary action under this section.

(u) The licensee has surrendered a license or authorization to practice the healing arts in another state or jurisdiction, has surrendered the authority to utilize controlled substances issued by any state or federal agency, has agreed to a limitation to or restriction of privileges at any medical care facility or has surrendered the licensee's membership on any professional staff or in any professional association or society while under investigation for acts or conduct similar to acts or conduct ~~which~~ that would constitute grounds for disciplinary action under this section.

(v) The licensee has failed to report to the board surrender of the licensee's license or authorization to practice the healing arts in another state or jurisdiction or surrender of the licensee's membership on any professional staff or in any professional association or society while under investigation for acts or conduct similar to acts or conduct ~~which~~ that would constitute grounds for disciplinary action under this section.

(w) The licensee has an adverse judgment, award or settlement against the licensee resulting from a medical liability claim related to acts or conduct similar to acts or conduct ~~which~~ that would constitute grounds for disciplinary action under this section.

(x) The licensee has failed to report to the board any adverse judgment, settlement

or award against the licensee resulting from a medical malpractice liability claim related to acts or conduct similar to acts or conduct ~~which that~~ would constitute grounds for disciplinary action under this section.

(y) The licensee has failed to maintain a policy of professional liability insurance as required by K.S.A. 40-3402 or 40-3403a, and amendments thereto.

(z) The licensee has failed to pay the premium surcharges as required by K.S.A. 40-3404, and amendments thereto.

(aa) The licensee has knowingly submitted any misleading, deceptive, untrue or fraudulent representation on a claim form, bill or statement.

(bb) The licensee as the supervising physician for a physician assistant has failed to adequately direct and supervise the physician assistant in accordance with the physician assistant licensure act or rules and regulations adopted under such act.

(cc) The licensee has assisted suicide in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2018 Supp. 21-5407, and amendments thereto, as established by any of the following:

(1) 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. 2018 Supp. 21-5407, and amendments thereto.

(2) A copy of the record of a judgment of contempt of court for violating an injunction issued under K.S.A. 60-4404, and amendments thereto.

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

(dd) The licensee has given a worthless check or stopped payment on a debit or credit card for fees or moneys legally due to the board.

(ee) The licensee has knowingly or negligently abandoned medical records.

Sec. 5. On and after March 1, 2020, K.S.A. 65-2877a is hereby amended to read as follows: 65-2877a. ~~The healing arts act and any other~~ No provision of law prohibiting practice of the healing arts by a general corporation shall ~~not~~ apply to a healing arts school approved by the board if the healing arts school is a non-profit entity under section 501(c)(3) of the internal revenue code of 1986, is approved by the state board of regents, and as part of its academic requirements provides clinical training to its students under the supervision of persons who are licensed to practice a branch of the healing arts in this state.

New Sec. 6. (a) (1) A licensed pharmacist may administer a drug by injection that, in the judgment of the prescriber, may be safely self-administered by a patient, to a patient pursuant to a prescription order, unless the prescription order includes the words "not to be administered by a pharmacist," or words of like effect.

(2) Nothing in this section shall replace, repeal or supersede the requirements prescribed in K.S.A. 65-4a10, and amendments thereto.

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

Sec. 7. K.S.A. 65-1626 is hereby amended to read as follows: 65-1626. For the purposes of this act:

(a) "Administer" means the direct application of a drug, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

(1) A practitioner or pursuant to the lawful direction of a practitioner;

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

practitioner; or

(3) a pharmacist as authorized in K.S.A. 65-1635a or section 6, and amendments thereto.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, repackager, wholesale distributor, third-party logistics provider or dispenser but does not include a common carrier, public warehouseman or employee of the carrier or warehouseman when acting in the usual and lawful course of the carrier's or warehouseman's business.

(c) "Application service provider" means an entity that sells electronic prescription or pharmacy prescription applications as a hosted service where the entity controls access to the application and maintains the software and records on its server.

(d) "Automated dispensing system" means a robotic or mechanical system controlled by a computer that: (1) Performs operations or activities, other than compounding or administration, relative to the storage, packaging, labeling, dispensing or distribution of drugs; (2) collects, controls and maintains all transaction information; and (3) operates in accordance with the board's rules and regulations.

(e) "Biological product" means the same as defined in 42 U.S.C. § 262(i), as in effect on January 1, 2017.

(f) "Board" means the state board of pharmacy created by K.S.A. 74-1603, and amendments thereto.

(g) "Brand exchange," in the case of a drug prescribed, means the dispensing of a different drug product of the same dosage form and strength and of the same generic name as the brand name drug product prescribed, and in the case of a biological product prescribed, means the dispensing of an interchangeable biological product.

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

(i) "Co-licensed partner" means a person or pharmaceutical manufacturer that has entered into an agreement with another pharmaceutical manufacturer or an affiliate of the manufacturer to engage in a business activity or occupation related to the manufacture or distribution of a product.

(j) "Common carrier" means any person who undertakes, whether directly or by any other arrangement, to transport property, including drugs, for compensation.

(k) "Compounding" means the combining of components into a compounded preparation under either of the following conditions:

(1) As the result of a practitioner's prescription drug order or initiative based on the practitioner-patient-pharmacist relationship in the course of professional practice to meet the specialized medical need of an individual patient of the practitioner that cannot be filled by an FDA-approved drug; or

(2) for the purpose of, or incidental to, research, teaching or chemical analysis, and not for sale or dispensing.

Compounding includes the preparation of drugs or devices in anticipation of receiving prescription drug orders based on routine, regularly observed prescribing patterns.

Compounding does not include reconstituting any oral or topical drug according to the FDA-approved labeling for the drug or preparing any sterile or nonsterile preparation that is essentially a copy of a commercially available product.

(l) "DEA" means the U.S. department of justice, drug enforcement administration.

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

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

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

(p) "Dispenser" means:

(1) A practitioner or pharmacist who dispenses prescription medication, or a physician assistant who has authority to dispense prescription-only drugs in accordance with K.S.A. 65-28a08(b), and amendments thereto; or

(2) a retail pharmacy, hospital pharmacy or group of pharmacies under common ownership and control that do not act as a wholesale distributor, or affiliated warehouses or distribution centers of such entities under common ownership and control that do not act as a wholesale distributor.

(q) "Distribute" or "distribution" means to deliver, offer to deliver, sell, offer to sell, purchase, trade, transfer, broker, give away, handle, store or receive, other than by administering or dispensing, any product, but does not include dispensing a product pursuant to a prescription executed in accordance with 21 U.S.C. § 353 or the dispensing of a product approved under 21 U.S.C. § 360b.

(r) "Distributor" means a person or entity that distributes a drug.

(s) "Drop shipment" means the sale, by a manufacturer, repackager or exclusive distributor, of the manufacturer's prescription drug to a wholesale distributor whereby the wholesale distributor takes title but not possession of such prescription drug and the wholesale distributor invoices the dispenser, and the dispenser receives delivery of the prescription drug directly from the manufacturer, repackager, third-party logistics provider or exclusive distributor, of such prescription drug.

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

(u) "Durable medical equipment" means equipment that: (1) Provides therapeutic benefits or enables an individual to perform certain tasks that the individual is unable to otherwise undertake due to certain medical conditions or illnesses; (2) is primarily and customarily used to serve a medical purpose; (3) generally is not useful to a person in the absence of an illness or injury; (4) can withstand repeated use; (5) is appropriate for use in the home, long-term care facility or medical care facility, but may be transported to other locations to allow the individual to complete instrumental activities of daily

living that are more complex tasks required for independent living; and (6) may include devices and medical supplies or other similar equipment determined by the board in rules and regulations adopted by the board.

(v) "Electronic prescription" means an electronically prepared prescription that is authorized and transmitted from the prescriber to the pharmacy by means of electronic transmission.

(w) "Electronic prescription application" means software that is used to create electronic prescriptions and that is intended to be installed on the prescriber's computers and servers where access and records are controlled by the prescriber.

(x) "Electronic signature" means a confidential personalized digital key, code, number or other method for secure electronic data transmissions that identifies a particular person as the source of the message, authenticates the signatory of the message and indicates the person's approval of the information contained in the transmission.

(y) "Electronic transmission" means the transmission of an electronic prescription, formatted as an electronic data file, from a prescriber's electronic prescription application to a pharmacy's computer, where the data file is imported into the pharmacy prescription application.

(z) "Electronically prepared prescription" means a prescription that is generated using an electronic prescription application.

(aa) "Exclusive distributor" means the wholesale distributor that directly purchased the product from the manufacturer and is the sole distributor of that manufacturer's product to a subsequent repackager, wholesale distributor or dispenser.

(bb) "FDA" means the U.S. department of health and human services, food and drug administration.

(cc) "Facsimile transmission" or "fax transmission" means the transmission of a digital image of a prescription from the prescriber or the prescriber's agent to the pharmacy. "Facsimile transmission" includes, but is not limited to, transmission of a written prescription between the prescriber's fax machine and the pharmacy's fax machine; transmission of an electronically prepared prescription from the prescriber's electronic prescription application to the pharmacy's fax machine, computer or printer; or transmission of an electronically prepared prescription from the prescriber's fax machine to the pharmacy's fax machine, computer or printer.

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

(ee) "Health care entity" means any person that provides diagnostic, medical, surgical or dental treatment or rehabilitative care but does not include any retail pharmacy or wholesale distributor.

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

- (A) Inmates of a jail or correctional institution or facility;
- (B) residents of a juvenile detention facility, as defined by the revised Kansas code for care of children and the revised Kansas juvenile justice code;
- (C) students of a public or private university or college, a community college or any other institution of higher learning that is located in Kansas;
- (D) employees of a business or other employer; or

- (E) persons receiving inpatient hospice services.
- (2) "Institutional drug room" does not include:
 - (A) Any registered pharmacy;
 - (B) any office of a practitioner; or
 - (C) a location where no prescription-only drugs are dispensed and no prescription-only drugs other than individual prescriptions are stored or administered.

(gg) "Interchangeable biological product" means a biological product that the FDA has:

- (1) Licensed and determined meets the standards for "interchangeability" as defined in 42 U.S.C. § 262(k), as in effect on January 1, 2017; or
- (2) determined to be therapeutically equivalent as set forth in the latest edition or supplement to the FDA's approved drug products with therapeutic equivalence evaluations.

(hh) "Intermediary" means any technology system that receives and transmits an electronic prescription between the prescriber and the pharmacy.

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

(jj) "Label" means a display of written, printed or graphic matter upon the immediate container of any drug.

(kk) "Labeling" means the process of preparing and affixing a label to any drug container, exclusive of the labeling by a manufacturer, packer or distributor of a non-prescription drug or commercially packaged legend drug.

(ll) "Long-term care facility" means "nursing facility," as defined in K.S.A. 39-923, and amendments thereto.

(mm) "Medical care facility" means the same as defined in K.S.A. 65-425, and amendments thereto, except that the term also includes facilities licensed under the provisions of K.S.A. 2018 Supp. 39-2001 et seq., and amendments thereto, except community mental health centers and facilities for people with intellectual disability.

(nn) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a drug either directly or indirectly by extraction from substances of natural origin, independently by means of chemical or biological synthesis or by a combination of extraction and chemical or biological synthesis or the packaging or repackaging of the drug or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a drug by an individual for the individual's own use or the preparation, compounding, packaging or labeling of a drug by:

(1) A practitioner or a practitioner's authorized agent incident to such practitioner's administering or dispensing of a drug in the course of the practitioner's professional practice;

(2) a practitioner, by a practitioner's authorized agent or under a practitioner's supervision for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale; or

(3) a pharmacist or the pharmacist's authorized agent acting under the direct supervision of the pharmacist for the purpose of, or incident to, the dispensing of a drug by the pharmacist.

(oo) "Manufacturer" means:

(1) A person that holds an application approved under section 505 of the federal food, drug and cosmetic act or a license issued under section 351 of the federal public health service act for such drug or, if such drug is not the subject of an approved application or license, the person who manufactured the drug;

(2) a co-licensed partner of the person described in paragraph (1) that obtains the drug directly from a person described in paragraph (1) or (3); or

(3) an affiliate of a person described in paragraph (1) or (2) that receives the product directly from a person described in paragraph (1) or (2).

(pp) "Medication order" means an order by a prescriber for a registered patient of a Kansas licensed medical care facility.

(qq) "Mid-level practitioner" means a certified nurse-midwife engaging in the independent practice of midwifery under the independent practice of midwifery act, an advanced practice registered nurse issued a license pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-1130, and amendments thereto, or a physician assistant licensed pursuant to the physician assistant licensure act who has authority to prescribe drugs pursuant to a written agreement with a supervising physician under K.S.A. 65-28a08, and amendments thereto.

~~(qq)~~(rr) "Nonresident pharmacy" means a pharmacy located outside of Kansas.

~~(rr)~~(ss) "Outsourcing facility" or "virtual outsourcing facility" means a facility at one geographic location or address that is engaged in the compounding of sterile drugs and has registered with the FDA as an outsourcing facility pursuant to 21 U.S.C. § 353b.

~~(ss)~~(tt) "Person" means individual, corporation, government, governmental subdivision or agency, partnership, association or any other legal entity.

~~(tt)~~(uu) "Pharmacist" means any natural person licensed under this act to practice pharmacy.

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

~~(vv)~~(ww) "Pharmacist intern" means: (1) A student currently enrolled in an accredited pharmacy program; (2) a graduate of an accredited pharmacy program serving an internship; or (3) a graduate of a pharmacy program located outside of the United States that is not accredited and who has successfully passed equivalency examinations approved by the board.

~~(ww)~~(xx) "Pharmacy," "drugstore" or "apothecary" means premises, laboratory, area or other place: (1) Where drugs are offered for sale where the profession of pharmacy is practiced and where prescriptions are compounded and dispensed; (2) that has displayed upon it or within it the words "pharmacist," "pharmaceutical chemist," "pharmacy," "apothecary," "drugstore," "druggist," "drugs," "drug sundries" or any of these words or combinations of these words or words of similar import either in English

or any sign containing any of these words; or (3) where the characteristic symbols of pharmacy or the characteristic prescription sign "Rx" may be exhibited. As used in this subsection, premises refers only to the portion of any building or structure leased, used or controlled by the licensee in the conduct of the business registered by the board at the address for which the registration was issued.

~~(xx)~~(yy) "Pharmacy prescription application" means software that is used to process prescription information, is installed on a pharmacy's computers or servers and is controlled by the pharmacy.

(yy)(zz) "Pharmacy technician" means an individual who, under the direct supervision and control of a pharmacist, may perform packaging, manipulative, repetitive or other nondiscretionary tasks related to the processing of a prescription or medication order and who assists the pharmacist in the performance of pharmacy-related duties, but who does not perform duties restricted to a pharmacist.

~~(zz)~~(aaa) "Practitioner" means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, optometrist or scientific investigator or other person authorized by law to use a prescription-only drug in teaching or chemical analysis or to conduct research with respect to a prescription-only drug.

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

(bbb)(ccc) "Prescriber" means a practitioner or a mid-level practitioner.

(eee)(ddd) "Prescription" or "prescription order" means: (1) An order to be filled by a pharmacist for prescription medication issued and signed by a prescriber in the authorized course of such prescriber's professional practice; or (2) an order transmitted to a pharmacist through word of mouth, note, telephone or other means of communication directed by such prescriber, regardless of whether the communication is oral, electronic, facsimile or in printed form.

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

(eee)(fff) "Prescription-only drug" means any drug whether intended for use by human or animal, required by federal or state law, including 21 U.S.C. § 353, to be dispensed only pursuant to a written or oral prescription or order of a practitioner or is restricted to use by practitioners only.

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

~~(ggg)~~(hhh) "Product" means the same as defined by part H of the federal drug supply chain security act, 21 U.S.C. § 351 et seq. and 21 U.S.C. § 360eee.

(hhh)(iii) "Professional incompetency" means:

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

(2) repeated instances involving failure to adhere to the applicable standard of

pharmaceutical care to a degree that constitutes ordinary negligence, as determined by the board; or

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

~~(iii)~~(jjj) "Readily retrievable" means that records kept by automatic data processing applications or other electronic or mechanized record-keeping systems can be separated out from all other records within a reasonable time not to exceed 48 hours of a request from the board or other authorized agent or that hard-copy records are kept on which certain items are asterisked, relined or in some other manner visually identifiable apart from other items appearing on the records.

~~(jjj)~~(lll) "Repackage" means changing the container, wrapper, quantity or label of a drug to further the distribution of the drug.

~~(lll)~~(mmm) "Repackager" means a person who owns or operates a facility that repackages.

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

~~(nnn)~~(ooo) "Return" means providing product to the authorized immediate trading partner from whom such product was purchased or received, or to a returns processor or reverse logistics provider for handling of such product.

~~(ooo)~~(ppp) "Returns processor" or "reverse logistics provider" means a person who owns or operates an establishment that disposes of or otherwise processes saleable or nonsaleable products received from an authorized trading partner such that the product may be processed for credit to the purchaser, manufacturer or seller or disposed of for no further distribution.

~~(ppp)~~(qqq) "Secretary" means the executive secretary of the board.

~~(qqq)~~(rrr) "Third-party logistics provider" means an entity that provides or coordinates warehousing or other logistic services of a product in interstate commerce on behalf of a manufacturer, wholesale distributor or dispenser, but does not take ownership of the product or have responsibility to direct the sale or disposition of the product.

~~(rrr)~~(sss) "Trading partner" means:

(1) A manufacturer, repackager, wholesale distributor or dispenser from whom a manufacturer, repackager, wholesale distributor or dispenser accepts direct ownership of a product or to whom a manufacturer, repackager, wholesale distributor or dispenser transfers direct ownership of a product; or

(2) a third-party logistics provider from whom a manufacturer, repackager, wholesale distributor or dispenser accepts direct possession of a product or to whom a manufacturer, repackager, wholesale distributor or dispenser transfers direct possession of a product.

~~(sss)~~(ttt) "Transaction" means the transfer of product between persons in which a change of ownership occurs.

~~(ttt)~~(uuu) "Unprofessional conduct" means:

(1) Fraud in securing a registration or permit;

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

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

(4) intentionally falsifying or altering records or prescriptions;

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

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

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

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

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

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

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

~~(vvv)~~(www) "Valid prescription order" means a prescription that is issued for a legitimate medical purpose by an individual prescriber licensed by law to administer and prescribe drugs and acting in the usual course of such prescriber's professional practice. A prescription issued solely on the basis of an internet-based questionnaire or consultation without an appropriate prescriber-patient relationship is not a valid prescription order.

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

~~(xxx)~~(yyy) "Wholesale distributor" means any person engaged in wholesale distribution of prescription drugs, other than a manufacturer, co-licensed partner, third-party logistics provider or repackager.

~~(yyy)~~(zzz) "Wholesale distribution" means the distribution or receipt of prescription drugs to or by persons other than consumers or patients, in which a change of ownership occurs. Wholesale distribution does not include:

(1) The dispensing of a prescription drug pursuant to a prescription;

(2) the distribution of a prescription drug or an offer to distribute a prescription drug for emergency medical reasons, including a public health emergency declaration pursuant to section 319 of the public health service act, except that, for purposes of this paragraph, a drug shortage not caused by a public health emergency shall not constitute an emergency medical reason;

(3) intracompany distribution of any drug between members of an affiliate or within a manufacturer;

(4) the distribution of a prescription drug or an offer to distribute a prescription drug among hospitals or other health care entities under common control;

(5) the distribution of a prescription drug or the offer to distribute a prescription

drug by a charitable organization described in 503(c)(3) of the internal revenue code of 1954 to a nonprofit affiliate of the organization to the extent otherwise permitted by law;

(6) the purchase or other acquisition by a dispenser, hospital or other health care entity for use by such dispenser, hospital or other health care entity;

(7) the distribution of a drug by the manufacturer of such drug;

(8) the receipt or transfer of a drug by an authorized third-party logistics provider, provided that such third-party logistics provider does not take ownership of the drug;

(9) the transport of a drug by a common carrier, provided that the common carrier does not take ownership of the drug;

(10) the distribution of a drug or an offer to distribute a drug by an authorized repackager that has taken ownership or possession of the drug and repacks it in accordance with section 582(e) of the federal food, drug and cosmetic act;

(11) saleable drug returns when conducted by a dispenser;

(12) the distribution of minimal quantities of drugs by licensed retail pharmacies to licensed practitioners for office use;

(13) the distribution of a collection of finished medical devices, including a product or biological product in accordance with 21 U.S.C. § 353(e)(4)(M);

(14) the distribution of an intravenous drug that, by its formulation, is intended for the replenishment of fluids and electrolytes, including sodium, chloride and potassium, or calories, including dextrose and amino acids;

(15) the distribution of an intravenous drug used to maintain the equilibrium of water and minerals in the body, such as dialysis solutions;

(16) the distribution of a drug that is intended for irrigation, or sterile water, whether intended for such purposes or for injection;

(17) the distribution of medical gas;

(18) facilitating the distribution of a product by providing solely administrative services, including processing of orders and payments;

(19) the transfer of a product by a hospital or other health care entity, or by a wholesale distributor or manufacturer operating under the direction of a hospital or other health care entity, to a repackager described in section 581(16)(B) and registered under section 510 of the food, drug and cosmetic act for the purpose of repackaging the drug for use by that hospital or other health care entity, or other health care entities under common control, if ownership of the drug remains with the hospital or other health care entity at all times; or

(20) the sale or transfer from a retail pharmacy of expired, damaged, returned or recalled prescription drugs to the original manufacturer, originating wholesale distributor or to a third-party returns processor in accordance with the board's rules and regulations.

Sec. 8. K.S.A. 65-1626 is hereby repealed.

Sec. 9. On and after March 1, 2020, K.S.A. 65-2803, 65-2836 and 65-2877a are hereby repealed.";

Also on page 3, in line 19, by striking "Kansas register" and inserting "statute book"; And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 through 5; in line 6, by striking all before the period and inserting "health and healthcare; providing for licensed pharmacists to administer certain drugs; authorizing

certain business entities to hire physicians and chiropractors; requiring electronic prescriptions for certain controlled substances; amending K.S.A. 65-1626, 65-2803, 65-2836 and 65-2877a and repealing the existing sections";

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

GENE SUELLENTROP

ED BERGER

BARBARA BOLLIER

Conferees on part of Senate

BRENDA LANDWEHR

JOHN EPLEE

MONICA MURNAN

Conferees on part of House

Senator Suellentrop moved the Senate adopt the Conference Committee Report on **HB 2119**.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware.

Absent or Not Voting: Estes, Wilborn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MADAM PRESIDENT: Your committee on conference on Senate amendments to **S Sub HB 2214** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed as Senate Substitute for House Bill No. 2214, as follows:

On page 2, in line 1, by striking "conventional"; in line 2, by striking the first "and" and inserting "or";

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

MIKE PETERSEN

DAN GODDARD

PAT PETTEY

Conferees on part of Senate

RICHARD PROEHL

JACK THIMESH

HENRY HELGERSON

Conferees on part of House

Senator Peterson moved the Senate adopt the Conference Committee Report on **S Sub HB 2214**.

On roll call, the vote was: Yeas 36; Nays 2; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware.

Nays: Hilderbrand, Pyle.

Absent or Not Voting: Estes, Wilborn.

The Conference Committee Report was adopted.

COMMUNICATIONS FROM STATE OFFICERS

March 25, 2019

Central Interstate Low-Level Radioactive Waste Commission Chairperson, R. Scott Blackwell, submitted the annual report of the Central Interstate Low-Level Radioactive Waste Commission.

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

CHANGE OF CONFERENCE

The President appointed Senator Billinger to replace Senator Estes as a member of the conference committee on **HB 2167**.

On motion of Senator Denning, the Senate recessed until 1:00 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with President Wagle in the chair.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **SB 18**.

The House adopts the Conference Committee report on **SB 70**.

The House adopts the Conference Committee report on **SB 78**.

CHANGE OF REFERENCE

The President withdrew **SB 109** from the Calendar under the heading of **General Orders**, and re-referred the bill to the Committee on **Financial Institutions and Insurance**.

The President re-referred **S Sub HB 2143** from the **Calendar** to the Committee on **Financial Institutions and Insurance**.

The President withdrew **SB 238**, **SB 239** from the Committee on **Assessment and Taxation**, and referred the bill to the Committee on **Financial Institutions and Insurance**.

MESSAGES FROM THE GOVERNOR

SB 90, **SB 94** approved on April 4, 2019.

On motion of Senator Denning, the Senate recessed until 4:15 p.m.

The Senate met pursuant to recess with Vice President Longbine in the chair.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **S Sub HB 2007; HB 2031 HB 2087, HB 2126, HB 2209; S Sub HB 2225.**

The House adopts the Conference Committee report on **HB 2039, HB 2177; S Sub HB 2214; SB 63.**

On motion of Senator Denning, the Senate recessed until 5:30 p.m.

The Senate met pursuant to recess with Vice President Longbine in the chair.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2119; SB 67.**

The House concurs in Senate amendments to **HB 2038**, and requests return of the bill.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 67** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee of the Whole amendments as follows:

On page 1, by striking all in lines 7 through 36;

By striking all on pages 2 through 13;

On page 14, by striking all in lines 1 through 27; following line 27, by inserting:

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

(1) "Abortion" means the same as defined in K.S.A. 65-6701, and amendments thereto.

(2) "Medication abortion" means the use or prescription of any drug for the purpose of inducing an abortion.

(3) "Medical emergency" means the same as defined in K.S.A. 65-6701, and amendments thereto.

(b) (1) Any private office, freestanding surgical outpatient clinic, hospital or other facility or clinic where medication abortions that use mifepristone are provided shall post a conspicuous sign that is clearly visible to patients, that is printed with lettering that is legible and at least $\frac{3}{4}$ of an inch boldfaced type and that reads:

"NOTICE TO PATIENTS HAVING MEDICATION ABORTIONS THAT USE MIFEPRISTONE: Mifepristone, also known as RU-486 or mifeprex, alone is not always effective in ending a pregnancy. It may be possible to reverse its intended effect if the second pill or tablet has not been taken or administered. If you change your mind and wish to try to continue the pregnancy, you can get immediate help by accessing available resources."

The notice shall also include information about the department of health and environment website, required to be maintained under K.S.A. 65-6710, and

amendments thereto, and other relevant telephone and internet resources containing information on where the patient can obtain timely assistance to attempt to reverse the medication abortion.

(2) (A) Any private office or freestanding surgical outpatient clinic where medication abortions that use mifepristone are provided shall post the sign required by paragraph (1) in each patient waiting room and patient consultation room used by patients for whom medication abortions are provided.

(B) A hospital or other facility where medication abortions that use mifepristone are provided that is not a private office or freestanding surgical outpatient clinic shall post the sign required by paragraph (1) in each patient admission area used by patients for whom medication abortions that use mifepristone are provided.

(c) (1) Except in the case of a medical emergency, no physician shall provide, induce or attempt to provide or induce a medication abortion that use mifepristone without informing the woman, in writing, in the manner prescribed by K.S.A. 65-6709, and amendments thereto, and also either by telephone or in person, at least 24 hours prior to the medication abortion:

(A) That it may be possible to reverse the intended effects of a medication abortion that uses mifepristone, if the woman changes her mind, but that time is of the essence; and

(B) information on reversing the effects of a medication abortion that uses mifepristone is available on the department of health and environment's website, required to be maintained under K.S.A. 65-6710, and amendments thereto, and other relevant telephone and internet resources containing information on where the patient can obtain timely assistance to attempt to reverse the medication abortion.

(2) After a physician dispenses or provides an initial administration of mifepristone to a patient for the purposes of performing a medication abortion, the physician or an agent of the physician shall provide a legible, written notice to the patient that includes the same information as required under subsection (b)(1).

(d) When a medical emergency compels the performance of a medication abortion that use mifepristone, the physician shall inform the woman, prior to the medication abortion, if possible, of the medical indications supporting the physician's judgment that an abortion is necessary to avert the woman's death or that a 24-hour delay would create serious risk of substantial and irreversible impairment of a major bodily function, excluding psychological or emotional conditions.

(e) Within 90 days after the effective date of this section, the department of health and environment shall cause to be published, in English and in each language that is the primary language of 2% or more of the state's population, in print and on the website required to be maintained under K.S.A. 65-6710, and amendments thereto, comprehensible materials designed to inform women of the possibility of reversing the effects of a medication abortion that uses mifepristone and information on resources available to reverse the effects of a medication abortion that uses mifepristone. The website shall also include other relevant telephone and internet resources containing information on where the patient can obtain timely assistance to attempt to reverse the medication abortion.

(f) Upon a first conviction of a violation of this section, a person shall be guilty of a class A person misdemeanor. Upon a second or subsequent conviction of a violation of this section, a person shall be guilty of a severity level 10, person felony.

(g) The department of health and environment shall assess a fine of \$10,000 to any private office, freestanding surgical outpatient clinic, hospital or other clinic or facility that fails to post a sign required by subsection (b). Each day that a medication abortion that uses mifepristone, other than a medication abortion that is necessary to prevent the death of the pregnant woman, is performed in any private office, freestanding surgical outpatient clinic, hospital or other facility or clinic when the required sign is not posted during a portion of that day's business hours when patients or prospective patients are present shall be a separate violation. The department of health and environment shall remit all moneys received from fines under this subsection 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 into the state treasury to the credit of the state general fund.

(h) (1) If a physician provides a medication abortion using mifepristone in violation of this section, the following individuals may bring a civil action in a court of competent jurisdiction against the physician for actual damages, exemplary and punitive damages and any other appropriate relief:

- (A) A woman to whom such medication abortion has been provided;
- (B) the father of the unborn child who was subject to such medication abortion; or
- (C) any grandparent of the unborn child who was subject to such medication abortion, if the woman was not 18 years of age or older at the time the medication abortion was performed or if the woman died as a result of the medication abortion.

(2) Notwithstanding any other provision of law, any action commenced in accordance with this subsection shall be filed within two years after the later of:

- (A) The date of the discovery of the violation under this section; or
 - (B) the conclusion of a related criminal case.
- (3) In any action brought under this section, the court shall award reasonable attorney fees and costs to:
- (A) A prevailing plaintiff; or
 - (B) a prevailing defendant upon a finding that the action was frivolous and brought in bad faith.

(i) In any civil or criminal proceeding or action brought under this section, the court shall rule whether the anonymity of any woman to whom a medication abortion has been provided, induced or attempted to be provided or induced shall be preserved from public disclosure, if she does not give her consent to such disclosure. The court, upon motion or sua sponte, shall make such a ruling and, upon determining that the woman's anonymity should be preserved, shall issue orders to the parties, witnesses and counsel and shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard the woman's identity from public disclosure. Each such order shall be accompanied by specific written findings explaining why the anonymity of the woman should be preserved from public disclosure, why the order is essential to that end, how the order is narrowly tailored to serve that interest and why no reasonable less restrictive alternative exists. In the absence of written consent of the woman to whom a medication abortion has been provided, induced or attempted to be provided or induced, any person, other than a public official, who brings an action under this section shall do so under a pseudonym. This subsection shall not be construed to conceal the identity of the plaintiff or witnesses from the defendant.

(j) If any provision of this section, or any application thereof to any person or circumstance, is held invalid by court order, then such invalidity shall not affect the remainder of this section and any application thereof to any person or circumstance that can be given effect without such invalid provision or application, and to this end, the provisions of this section are declared to be severable.

(k) Any person licensed by the state board of healing arts or the board of nursing who prescribes or administers progesterone for the purpose of reversing a medication abortion shall:

(1) Report to the department of health and environment that the person has prescribed or administered progesterone to a patient for the purpose of reversing a medication abortion within 14 days of such prescription or administration;

(2) if the progesterone treatment fails to reverse the effects of the medication abortion, report to the department of health and environment within 14 days of such failure; and

(3) if the woman to whom progesterone is prescribed or administered for the purpose of reversing a medication abortion successfully carries the pregnancy to term, report to the department of health and environment the maternal and newborn health conditions at the time of birth within 14 days of the birth.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 and 3; in line 4, by striking all before the period and inserting "abortion; relating to medication abortions; notification requirements";

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

BRENDA LANDWEHR

JOHN EPLEE

MONICA MURNAN

Conferees on part of House

GENE SUELLENTROP

ED BERGER

BARBARA BOLLIER

Conferees on part of Senate

Senator Suellentrop moved the Senate adopt the Conference Committee Report on **SB 67**.

On roll call, the vote was: Yeas 26; Nays 11; Present and Passing 0; Absent or Not Voting 3.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Denning, Doll, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rucker, Suellentrop, Taylor, Tyson, Wagle.

Nays: Bollier, Faust-Goudeau, Francisco, Hawk, Hensley, Holland, Miller, Pettey, Skubal, Sykes, Ware.

Absent or Not Voting: Estes, Haley, Wilborn.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Mr. Vice President: I vote "NO" on the Conference Committee Report containing **SB 67**. The legislature should not insert itself into the private physician-patient

relationship and the practice of medicine. Requiring a physician to tell a patient that a non-scientifically based treatment may change the outcome of a medical abortion is misleading to patients. Women in Kansas should be confident that their physicians and other caregivers provide information that they believe to be true. The American College of Obstetrics and Gynecology stands opposed to this legislation, calling it based on junk science. This bill did not receive a hearing in the Public Health and Welfare committee to fully vet this issue. Kansas women deserve better.—BARBARA BOLLIER

Senators Francisco, Hawk, Hensley, Sykes and Ware request the record to show they concur with the "Explanation of Vote" offered by Senator Bollier on **SB 67**.

Mr. Vice President: I vote "NO" on the Conference Committee Report on **Senate Bill 67**. I am concerned with the infringement upon the physician-patient relationship. I also cannot understand why, if we are requiring a notice be posted in a caregiver's office, hospital or clinic to inform a woman that it may be possible to reverse the intended effects of a medication abortion that uses mifepristone, we include information about the Department of Health and Environment website and other relevant telephone and internet resources containing information on where the patient can obtain timely assistance to reverse the medication abortion without any suggestion that they might talk directly to their caregiver.—MARCI FRANCISCO

Senators Bollier and Hawk request the record to show they concur with the "Explanation of Vote" offered by Senator Francisco on **SB 67**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 70** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 7, following line 2, by inserting:

"New Sec. 7. Chambourcin, a complex red wine grape variety, is hereby designated as the official red wine grape of the state of Kansas.

New Sec. 8. Vignoles, a complex white wine grape variety, is hereby designated as the official white wine grape of the state of Kansas.

New Sec. 9. (a) Every express company or other common carrier that delivers any alcoholic liquors from outside the state for delivery in the state to consumers shall prepare and file monthly with the director of alcoholic beverage control a report of known alcoholic liquors shipped by such carrier. The report shall contain: (1) The name of the express company or other common carrier that delivers the alcoholic liquors; (2) the period of time covered by the report; (3) the name and business address of the consignor of such alcoholic liquors; (4) the weight of the package delivered to each consignee; (5) a unique tracking number; and (6) the date of delivery. Except as provided for in subsection (d), all reports submitted pursuant to this subsection shall be open records available for public inspection in accordance with the open records act.

(b) Upon request by the director, any additional records supporting the report shall be made available to the director by any express company or other common carrier. Any records containing information relating to such reports shall be kept and preserved for a period of two years unless the destruction of such records is authorized in writing by the

director.

(c) Any express company or other common carrier that willfully fails, neglects or refuses to file any report pursuant to subsection (a) shall be subject to a civil penalty of not more than \$500.

(d) If any of the reports required by subsection (a) include any information relating to the name or address of a consignee of any alcoholic liquors, such information shall be redacted from the reports that are made available for public inspection. The provisions of this subsection providing for the confidentiality of certain public records shall expire on July 1, 2024, unless the legislature reviews and reenacts such provisions in accordance with K.S.A. 45-229, and amendments thereto, prior to July 1, 2024.

(e) The provisions of this section shall be a part of and supplemental to the Kansas liquor control act.";

On page 10, following line 14, by inserting:

"Sec. 11. K.S.A. 2018 Supp. 41-304 is hereby amended to read as follows: 41-304. Licenses issued by the director shall be of the following classes: (a) Manufacturer's license; (b) spirits distributor's license; (c) wine distributor's license; (d) beer distributor's license; (e) retailer's license; (f) microbrewery license; (g) microdistillery license; (h) farm winery license; (i) producer's license; and ~~(j)~~ (j) nonbeverage user's license.";

Also on page 10, in line 24, after "(3)" by inserting "the manufacture for and sale of wine to holders of producer licenses as authorized by K.S.A. 2018 Supp. 41-355, and amendments thereto. Wine manufactured for a producer licensee shall be included in the farm winery licensee's annual production for purposes of subsection (c). The label for any such wine manufactured by the farm winery licensee, as filed with the alcohol and tobacco tax and trade bureau of the United States department of the treasury, may be owned by either the farm winery or the producer licensee for whom the wine was manufactured;

(4) ";

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

On page 12, following line 35, by inserting:

"Sec. 13. K.S.A. 2018 Supp. 41-310 is hereby amended to read as follows: 41-310.

(a) At the time application is made to the director for a license of any class, the applicant shall pay the fee provided by this section.

(b) The fee for a manufacturer's license to manufacture alcohol and spirits shall be \$5,000.

(c) The fee for a manufacturer's license to manufacture beer and cereal malt beverage shall be:

- (1) For 1 to 100 barrel daily capacity or any part thereof, \$400.
- (2) For 100 to 150 barrel daily capacity, \$800.
- (3) For 150 to 200 barrel daily capacity, \$1,400.
- (4) For 200 to 300 barrel daily capacity, \$2,000.
- (5) For 300 to 400 barrel daily capacity, \$2,600.
- (6) For 400 to 500 barrel daily capacity, \$2,800.
- (7) For 500 or more barrel daily capacity, \$3,200.

As used in this subsection, "daily capacity" means the average daily barrel production for the previous 12 months of manufacturing operation. If no basis for

comparison exists, the licensee shall pay in advance for operation during the first term of the license a fee of \$2,000.

(d) The fee for a manufacturer's license to manufacture wine shall be \$1,000.

(e) (1) The fee for a microbrewery license, a microdistillery license or a farm winery license shall be \$500.

(2) The fee for a winery outlet license shall be \$100.

(3) The fee for a microbrewery packaging and warehousing facility license shall be \$200.

(4) The fee for a microdistillery packaging and warehousing facility license shall be \$200.

(f) The fee for a spirits distributor's license for the first and each additional distributing place of business operated in this state by the licensee and wholesaling and jobbing spirits shall be \$2,000.

(g) The fee for a wine distributor's license for the first and each additional distributing place of business operated in this state by the licensee and wholesaling and jobbing wine shall be \$2,000.

(h) The fee for a beer distributor's license, for the first and each additional wholesale distributing place of business operated in this state by the licensee and wholesaling or jobbing beer and cereal malt beverage shall be \$2,000.

(i) The fee for a nonbeverage user's license shall be:

(1) For class 1, \$20.

(2) For class 2, \$100.

(3) For class 3, \$200.

(4) For class 4, \$400.

(5) For class 5, \$1,000.

(j) In addition to the license fees prescribed by subsections (b), (c), (d), (f), (g), (h) and (i):

(1) Any city in which the licensed premises are located may levy and collect a biennial occupation or license tax on the licensee in an amount not exceeding the amount of the license fee required to be paid under this act to obtain the license, but no city shall impose an occupation or privilege tax on the licensee in excess of that amount; and

(2) any township in which the licensed premises are located may levy and collect a biennial occupation or license tax on the licensee in an amount not exceeding the amount of the license fee required to be paid under this act to obtain the license, but no township shall impose an occupation or privilege tax on the licensee in excess of that amount; the township board of the township is authorized to fix and impose the tax and the tax shall be paid by the licensee to the township treasurer, who shall issue a receipt therefor to the licensee and shall cause the tax paid to be placed in the general fund of the township.

(k) The fee for a retailer's license shall be \$500.

(l) In addition to the license fee prescribed by subsection (k):

(1) Any city in which the licensed premises are located may levy and collect a biennial occupation or license tax on the licensee in an amount not less than \$200 nor more than \$600, but no other occupation or excise tax or license fee shall be levied by any city against or collected from the licensee; and

(2) any township in which the licensed premises are located may levy and collect a

biennial occupation or license tax on the licensee in an amount not less than \$200 nor more than \$600; the township board of the township is authorized to fix and impose the tax and the tax shall be paid by the licensee to the township treasurer, who shall issue a receipt therefor to the licensee and shall cause the tax paid to be placed in the general fund of the township.

(m) The fee for a producer's license shall be \$200.

(n) The license term for a license shall commence on the date the license is issued by the director effective date as specified on the license and shall end two years after that date. The director may, at the director's sole discretion and after examination of the circumstances, extend the license term of any license for not more than 30 days beyond the date such license would expire pursuant to this section. Any extension of the license term by the director pursuant to this section shall automatically extend the due date for payment by the licensee of any occupation or license tax levied by a city or township pursuant to this section by the same number of days the director has extended the license term.

Sec. 14. K.S.A. 2018 Supp. 41-316 is hereby amended to read as follows: 41-316. Licenses to manufacturers, distributors, microbreweries, microdistilleries, farm wineries, producers and nonbeverage users of alcoholic liquors shall be issued and renewed by the director to qualified applicants upon written application, receipt of bond properly executed and payment in advance of the state registration fee and the license fee.

Sec. 15. K.S.A. 2018 Supp. 41-317 is hereby amended to read as follows: 41-317. (a) Applications for all licenses under this act shall be completed and submitted to the director in a manner prescribed by the director. Each applicant shall submit an application fee of \$30 for each initial application and \$10 for each renewal application to defray the cost of processing the application.

(b) Each applicant shall submit to the division of alcoholic beverage control the full amount of the application fee and:

(1) The full amount of the license fee required to be paid for the kind of license specified in the application; or

(2) one-half of the full amount of the license fee required to be paid for the kind of license specified in the application.

(c) If the applicant elects to pay only one-half of the license fee pursuant to subsection (b)(2), the remaining one-half of the license fee plus 10% of such remaining balance shall be due and payable one year from the date of issuance of the license. Notwithstanding any other provision of law, failure to pay the full amount due under this subsection on the date it is due shall result in the automatic cancellation of such license for the remainder of the license term. The director may, at the director's sole discretion and after examination of the circumstances, extend the date payment is due pursuant to this subsection for not more than 30 days beyond the date such payment is originally due.

(d) Any license fee paid by an applicant shall be returned to the applicant if the application is denied.

(e) Payment of all fees required to be paid pursuant to this section may be made by personal, certified or cashier's check, United States post office money order, debit or credit card or cash, or by electronic payment authorized by the applicant in a manner prescribed by the director.

(f) All fees received by the director pursuant to this section shall be remitted by the director to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(g) Every applicant for a manufacturer's, distributor's, nonbeverage user's, microbrewery, microdistillery, farm winery, retailer's, producer's or special order shipping license shall file with the application a joint and several bond on a form prescribed by the director and executed by good and sufficient corporate sureties licensed to do business within the state of Kansas to the director, in the following amounts:

- (1) For a manufacturer, \$25,000;
- (2) for a spirits distributor, \$15,000 or an amount equal to the highest monthly liability of the distributor for taxes imposed by the Kansas liquor control act for any of the 12 months immediately prior to renewal of the distributor's license, whichever amount is greater;
- (3) for a beer or wine distributor, \$5,000 or an amount equal to the highest monthly liability of the distributor for taxes imposed by the Kansas liquor control act for any of the 12 months immediately prior to renewal of the distributor's license, whichever amount is greater;
- (4) for a retailer, \$2,000;
- (5) for nonbeverage users, \$200 for class 1, \$500 for class 2, \$1,000 for class 3, \$5,000 for class 4 and \$10,000 for class 5;
- (6) for a microbrewery, microdistillery or a farm winery, \$2,000; ~~and~~
- (7) for a producer, \$500; and
- (8) for a winery holding a special order shipping license, \$750, unless the winery has already complied with subsection (g)(6).

If a distributor holds or applies for more than one distributor's license, only one bond for all such licenses shall be required, which bond shall be in an amount equal to the highest applicable bond.

(h) All bonds required by this section shall be conditioned on the licensee's compliance with the provisions of this act and payment of all taxes, fees, fines and forfeitures that may be assessed against the licensee.

Sec. 16. K.S.A. 2018 Supp. 41-319 is hereby amended to read as follows: 41-319.

(a) Except as provided by subsection (b), within 30 days after an application is filed for a retailer's, microbrewery, microdistillery ~~or~~, farm winery license or producer license and within 20 days after an application is filed for a manufacturer's, distributor's or nonbeverage user's license, the director shall enter an order either denying or granting the license. If the director does not enter an order within the time prescribed, the license applied for shall be deemed to have been denied. The director, with the written consent of the applicant for a license, may delay entering an order on an application for an additional period of not to exceed 30 days.

(b) In order to complete any national criminal history record check of an applicant who submitted any application after January 31, 2001, and if the applicant is not a resident of the state of Kansas on the date of submission of such application or has not been a resident for at least one year immediately preceding the date of submission of such application the director shall enter an order either denying or granting the license within 90 days after such application is filed. If the director does not enter an order

within the time prescribed, the license applied for shall be deemed to have been denied. The director, with the written consent of the applicant for a license, may delay entering an order on an application for an additional period of not to exceed 30 days.

Sec. 17. K.S.A. 2018 Supp. 41-355 is hereby amended to read as follows: 41-355.

(a) Any person engaged in business as a vineyard with not less than 100 vines of sound, ripe grapes or other type of agricultural producer with an annual harvest of 1,000 pounds of other sound, ripe fruits or berries or 100 pounds of honey may apply to the director for an annual vineyard permit and be issued up to two producer licenses.

(b) A producer license shall apply only to the premises described in the application and in the issued license.

(c) A ~~vineyard permit~~ producer license shall authorize the sale in the original, unopened container and the serving by the drink of wine on the premises specified in the ~~permit~~ license. A ~~vineyard permit~~ producer license also shall authorize the ~~permit~~ license holder to conduct wine tastings in accordance with K.S.A. 2018 Supp. 41-308d, and amendments thereto, on the premises specified in the ~~permit~~ license. All wine sold or served by the ~~permit~~ license holder shall be produced, in whole or in part, using sound, ripe grapes, fruits, berries or honey grown or produced by the ~~permit~~ license holder and, shall be manufactured by a farm winery and shall be purchased by the license holder from such farm winery.

~~(d)~~ Any wine not consumed on the premises shall be disposed of by the ~~permit~~ license holder or, prior to its removal from the property, securely re-sealed and placed in a tamper-proof, transparent bag ~~which that~~ is sealed in a manner that makes it visibly apparent if the bag is subsequently opened.

~~(d)(c)~~ Permits issued under this section shall be valid for one year from the date of issuance. If the producer licensee is also licensed as a club or drinking establishment, the producer's license shall allow the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act. If the producer licensee is also licensed as a cereal malt beverage licensee, the producer's license shall allow the sale of cereal malt beverage and beer not exceeding 6% alcohol by volume for consumption on the licensed premises as authorized by the Kansas cereal malt beverage act.

~~(e)~~ The annual fee for a vineyard permit shall be \$100.

(f) The officers, directors, shareholders or managers of a producer licensee shall meet the qualifications of K.S.A. 41-311(a), and amendments thereto.

~~(f)(g)~~ (1) Each producer licensee shall maintain records of all sales made under the license, including sales of agricultural products to a farm winery and sales to consumers, and maintain records of all purchases of wine manufactured by such farm winery, for at least three years after the date of the sale or purchase.

(2) The records required by this subsection shall be available for inspection by the director, any agent or employee of the director, the secretary or any law enforcement officer.

(3) Each record of a sale or purchase required by this subsection shall be maintained on the premises specified in the license for at least 90 days after such sale or purchase.

(4) Any record of a sale or purchase required by this subsection may be stored electronically and maintained off the premises specified in the license after 90 days have passed since such sale or purchase.

(h) The secretary may adopt rules and regulations as necessary to implement the provisions of this section.

(i) (1) Nothing in this section shall be construed to prohibit a person from possessing alcoholic liquor or cereal malt beverage not purchased from the licensee on the premises licensed pursuant to this section.

(2) Nothing in this section shall prevent a licensee from adopting a policy prohibiting the possession of alcoholic liquor or cereal malt beverage not purchased from the licensee on the licensee's premises licensed pursuant to this section.

~~(g)~~ (i) This section shall be a part of and supplemental to the Kansas liquor control act.";

On page 13, in line 1, before "section" by inserting "K.S.A. 41-2703, and amendments thereto, or";

On page 14, in line 39, before "section" by inserting "K.S.A. 41-2703, and amendments thereto, or";

On page 19, following line 18, by inserting:

"Sec. 21. K.S.A. 2018 Supp. 41-2614 is hereby amended to read as follows: 41-2614. (a) Except as provided by subsection (c), no public venue, club or drinking establishment shall allow the serving, mixing or consumption of alcoholic liquor on its premises between the hours of 2:00 a.m. and 6:00 a.m. on any day.

(b) No caterer shall allow the serving, mixing or consumption of alcoholic liquor between the hours of 2:00 a.m. and 6:00 a.m. on any day at an event catered by such caterer.

(c) A hotel of which the entire premises are licensed as a drinking establishment or as a drinking establishment/~~caterer establishment caterer~~ may allow at any time the serving, mixing and consumption of alcoholic liquor and cereal malt beverage from a minibar in a guest room by guests registered to stay in such room, and guests of guests registered to stay in such room.";

On page 20, following line 34, by inserting:

"Sec. 23. K.S.A. 2018 Supp. 41-2629 is hereby amended to read as follows: 41-2629. (a) A class B club, drinking establishment, public venue or caterer's license shall be issued for a term not to exceed two years ~~after issuance~~ commencing on the effective date as specified on the license, except as otherwise provided by law, unless sooner suspended or revoked as provided in this act.

(b) The director may, at the director's sole discretion and after examination of the circumstances, extend the license term of any license for not more than 30 days beyond such date the license would expire pursuant to this section. Any extension of the license term by the director pursuant to this section shall automatically extend the due date for payment by the licensee of any occupation or license tax levied by a city or township pursuant to K.S.A. 41-2622, and amendments thereto, by the same number of days the director has extended the license term.

(c) A class B club, drinking establishment, public venue or caterer's license shall be purely a personal privilege and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. A class B club, drinking establishment, public venue or caterer's license shall not descend by the laws of testate or intestate devolution but shall cease or expire upon the death of the licensee subject to subsection (d).

(d) An executor, administrator or representative of the estate of any deceased holder of a class B club, drinking establishment, public venue or caterer's license, or the trustee of any insolvent or bankrupt class B club, drinking establishment, public venue or caterer's license may continue the licensee's business under order of the appropriate court and may exercise the privilege of the deceased, insolvent or bankrupt licensee after the death of such licensee or after such insolvency or bankruptcy until the expiration of such license, but in no case longer than one year after the death, insolvency or bankruptcy of such licensee.

(e) When the licensee pays the full amount of the license fee upon application and is prevented from operating under such license in accordance with the provisions of this act for the entire second year of the license term, a refund shall be made of one-half of the license fee paid by such licensee. The secretary shall adopt, in accordance with K.S.A. 41-210, and amendments thereto, rules and regulations providing for the authorization of refunds of one-half of the license fee paid when the licensee does not use such license for the entire second year of the license term as a result of the cancellation of the license upon the request of the licensee for voluntary reasons.";

On page 24, following line 38, by inserting:

"Sec. 27. K.S.A. 41-2644 is hereby amended to read as follows: 41-2644. A license for a drinking ~~establishment/caterer~~ establishment caterer shall allow the licensee all the rights and privileges of a holder of a drinking establishment license and of a licensed caterer, subject to all provisions of law relating to such an establishment or caterer.

Sec. 28. K.S.A. 41-2648 is hereby amended to read as follows: 41-2648. (a) No drinking establishment license, caterer's license or temporary permit shall be effective before July 1, 1987.

(b) On and after July 1, 1987, the director may provide procedures whereby a license for a class B club issued before July 1, 1987, may be converted to a drinking establishment license or a drinking ~~establishment/caterer~~ establishment caterer license if all requirements of this act are met and the licensee pays that portion of the additional license fee, if any, attributable to the remaining unexpired license term.";

On page 26, in line 31, by striking all after the comma; by striking all in line 32; in line 33, by striking all before "are" and inserting "K.S.A. 41-2644 and 41-2648 and K.S.A. 2018 Supp. 41-304, 41-308a, 41-310, 41-316, 41-317, 41-319, 41-347, 41-355, 41-719, 41-2601, 41-2608, 41-2614, 41-2622, 41-2629, 41-2637, 41-2641, 41-2642, 41-2645, 41-2657 and 41-2659";

Also on page 26, in line 36, by striking "April 1, 2019, and";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "to"; by striking all in lines 2 through 6; in line 7, by striking all before the period and inserting "licensure; issuance of temporary permits and producer licenses; designation of official wine grapes of the state; delivery of alcoholic liquor, reporting requirements; serving of samples of alcoholic liquor; sales within a common consumption area; amending K.S.A. 2016 Supp. 41-102, as amended by section 4 of chapter 56 of the 2017 Session Laws of Kansas, K.S.A. 41-2644 and 41-2648 and K.S.A. 2018 Supp. 41-304, 41-308a, 41-310, 41-316, 41-317, 41-319, 41-355, 41-719, 41-2601, 41-2608, 41-2614, 41-2622, 41-2629, 41-2637, 41-2641, 41-2642 and 41-2659 and repealing the existing sections; also repealing K.S.A. 2018 Supp. 41-347, 41-2645 and 41-2657";

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

JOHN BARKER
 FRANCIS AWERKAMP
 STEPHANIE CLAYTON
Conferees on part of House

BUD ESTES
 ROB OLSON
 OLETHA FAUST-GOUDEAU
Conferees on part of Senate

Senator Olson moved the Senate adopt the Conference Committee Report on **SB 70**.

On roll call, the vote was: Yeas 37; Nays 0; Present and Passing 0; Absent or Not Voting 3.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware.

Absent or Not Voting: Estes, Haley, Wilborn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 78** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 1, in line 8, by striking "New"; in line 32, by striking "covering" and inserting "insuring";

On page 3, by striking all in lines 2 through 43;

On page 4, by striking all in lines 1 through 27; following line 27 by inserting:

"Sec. 2. (a) (1) An applicant shall not be denied tenancy on the basis of, or as a direct result of, the fact that the applicant is a protected person if the applicant otherwise qualifies for tenancy in or occupancy of the premises.

(2) A tenant or lessee shall not be evicted from the premises or found to be in violation of a rental or lease agreement on the basis of, or as a direct result of, the fact that the tenant or lessee is a protected person if the tenant or lessee otherwise qualifies for tenancy in or occupancy of the premises.

(b) (1) A tenant or lessee shall not be liable for rent for the period after the tenant or lessee vacates the premises that is the subject of the rental or lease agreement if the tenant or lessee:

(A) Is a protected person; and

(B) notifies the landlord or property owner as required in subsection (c).

(2) In any action brought against a tenant or lessee under Kansas law that seeks recovery of rent, the tenant or lessee shall have an affirmative defense and not be liable for rent for the period after the tenant or lessee vacated the premises that is the subject of the rental or lease agreement if, by a preponderance of the evidence, the court finds that the tenant or lessee:

(A) Was a protected person on the date the tenant or lessee vacated the premises that is the subject of the rental or lease agreement; and

(B) notified the landlord or property owner as required in subsection (c).

(3) This section shall not affect a tenant or lessee's liability for late or unpaid rent or other amounts owed to the landlord for the period before the tenant or lessee vacates the premises that is the subject of the rental or lease agreement.

(c) An applicant, tenant or lessee qualifies for the protections under this section if the applicant, tenant or lessee is a protected person and provides a statement regarding domestic violence, sexual assault, human trafficking or stalking to the landlord or property owner. If the landlord or property owner requests, the applicant, tenant or lessee shall provide documentation of the domestic violence, sexual assault, human trafficking or stalking, which may be in any of the following forms:

(1) A document signed by the victim and any of the following individuals from whom the victim has sought assistance relating to domestic violence, sexual assault, human trafficking or stalking, or the effects of such abuse: A person licensed by the state board of healing arts to practice medicine and surgery; a person licensed as a physician assistant by the state board of healing arts; a person licensed by the board of nursing; or a person licensed by the behavioral sciences regulatory board. The document must declare under penalty of perjury that the licensed person holds the opinion, in their professional judgment within their scope of practice, that the incident of domestic violence, sexual assault, human trafficking or stalking that is the basis for protection under this section occurred; or

(2) a court order granting relief to the protected person relating to the alleged domestic violence, sexual assault, human trafficking or stalking that is the basis for protection under this section.

(d) The submission of false information by an applicant, tenant or lessee under this section may be a basis for a denial of tenancy, eviction or a violation of a rental or lease agreement.

(e) A landlord or property owner may impose a reasonable termination fee not to exceed one month's rent on a tenant or lessee who requests termination of a rental or lease agreement under the provisions of this section before the expiration date of such agreement. Such termination fee may only be imposed if it is contained in the terms of the rental or lease agreement.

(f) As used in this section:

(1) "Protected person" means a person who, during the preceding 12 months, has been, is or is in imminent danger of becoming a victim of domestic violence, sexual assault, human trafficking or stalking; and

(2) "domestic violence," "human trafficking," "sexual assault" and "stalking" mean the same as in K.S.A. 2018 Supp. 75-452, and amendments thereto.

(g) A tenant or lessee shall not waive, and a landlord or property owner shall not require a tenant or lessee to waive, any rights under this section in a rental or lease agreement.

(h) Notwithstanding a termination of a protected person's rental or lease agreement under this section, the rental or lease agreement shall continue for any remaining tenants or lessees.

(i) In an action against a landlord or property owner for a violation of this section, the court may award statutory damages of \$1,000. The court may also award reasonable

attorney fees and costs.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "consumer protection" and inserting "contracts"; in line 3, by striking all after the semicolon; by striking all in line 4; in line 5, by striking all before the period and inserting "rental and lease agreements; protections for tenants and lessees related to domestic violence, sexual assault, human trafficking or stalking";

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

FRED PATTON

BRAD RALPH

JOHN CARMICHAEL

Conferees on part of House

RICHARD WILBORN

ERIC RUCKER

VIC MILLER

Conferees on part of Senate

Senator Rucker moved the Senate adopt the Conference Committee Report on **SB 78**.

On roll call, the vote was: Yeas 36; Nays 1; Present and Passing 0; Absent or Not Voting 3.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Wagle, Ware.

Nays: Tyson.

Absent or Not Voting: Estes, Haley, Wilborn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MADAM PRESIDENT: Your committee on conference on Senate amendments to **S Sub HB 2167** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed as with Senate Committee of the Whole amendments, as follows:

On page 2, in line 5, after "that" by inserting "industrial"; in line 11, by striking "thereunder" and inserting "hereunder"; in line 18, by striking "thereunder" and inserting "hereunder"; in line 21, by striking "thereunder" and inserting "hereunder";

By striking all on pages 4 through 6;

On page 7, by striking all in lines 1 through 39 and inserting:

"New Sec. 4. (a) The Kansas department of agriculture shall create and maintain a registry of all hemp processors operating within the state of Kansas.

(b) Any person engaging in the processing of industrial hemp shall register annually with the secretary of agriculture prior to processing industrial hemp, except as provided in subsection (f).

(c) Registration shall expire annually on April 30. A registration fee, not to exceed \$200, shall be established pursuant to rules and regulations adopted by the secretary.

(d) Any person required to register as a hemp processor pursuant to this section shall submit an annual registration application on a form provided by the secretary that shall include, at a minimum:

(1) The full legal name, date of birth, address and telephone number of the applicant. If the applicant is not an individual, the same information shall also be provided for all owners and the individual responsible for all industrial hemp processing and related activities performed by the applicant;

(2) the physical location of any premises that will serve as a part of the applicant's industrial hemp processing operations;

(3) a brief description of the industrial hemp processing methods, activities and products planned for production; and

(4) certification that such applicant has fully complied with the fingerprinting and criminal history record check requirements contained in this section, if applicable. Any such applicant who provides a false statement of compliance with such requirements shall be guilty of a class C nonperson misdemeanor.

(e) The Kansas department of agriculture shall provide an updated list of all hemp processors to the Kansas bureau of investigation and to the county sheriff in each county where a hemp processor is located as often as is reasonably required or requested.

(f) No hemp processor who is licensed under K.S.A. 2018 Supp. 2-3902, and amendments thereto, shall be required to register pursuant to this section, but the secretary shall include such hemp processors in the list of registered hemp processors maintained by the Kansas department of agriculture pursuant to this section.

(g) Fees collected pursuant to 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 commercial industrial hemp act licensing fee fund.

(h) Except as provided in subsection (f), it shall be unlawful for any person to operate as a hemp processor without valid registration.

(i) (1) Upon a first conviction for a violation of subsection (h), a person shall be guilty of a class A nonperson misdemeanor.

(2) On a second or subsequent conviction for a violation of subsection (h), a person shall be guilty of a severity level 9, nonperson felony.

(j) (1) A registered hemp processor, or an applicant to become a registered hemp processor, shall request the Kansas bureau of investigation to conduct a state and national criminal history record check on any individual employed or seeking employment under such registered hemp processor or applicant who would be engaged in extraction of cannabinoids, including through the disposal of cannabinoids from industrial hemp, pursuant to section 6, and amendments thereto. The request for a state and national criminal history record check shall include the following:

(A) The individual's fingerprints; and

(B) a copy of a completed and signed statement furnished by the hemp processor that includes:

(i) A waiver permitting the hemp processor to request and receive a criminal history record check for the purpose of determining the individual's qualification and fitness to process industrial hemp;

(ii) the name, address and date of birth of the individual as it appears on a valid

identification document;

(iii) a disclosure of whether or not the individual has ever been convicted of or is the subject of pending charges for a criminal offense and, if convicted, a description of the crime and the result of the conviction; and

(iv) a notice to the individual that they are entitled to obtain a copy of the criminal history record check to challenge the accuracy and completeness of any information contained in any such report before any final determination is made by the hemp processor.

(2) A registered hemp processor, or an applicant to become a registered hemp processor, shall require such individual to be fingerprinted and to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. Such hemp processor or applicant shall use the fingerprints to identify the individual and to determine whether the individual has a record of criminal history in this state or other jurisdictions or countries. The hemp processor may use the information obtained from the fingerprints and such state and national criminal history record checks in the official determination of the qualifications and fitness of the individual to process industrial hemp. Disclosure or use of any information received by the hemp processor for any purpose other than the purposes provided for in the commercial industrial hemp act shall be a class A nonperson misdemeanor.

(3) Local and state law enforcement officers and agencies shall assist the hemp processor in taking and processing such individual's fingerprints as authorized by this section.

(4) The Kansas bureau of investigation shall release all records of the individual's adult convictions and adult convictions from another state, jurisdiction or country, to the hemp processor to make a final determination of the qualification of such individual to process industrial hemp.

(5) An individual who has been convicted of a felony violation of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or a substantially similar offense in another jurisdiction, within the immediately preceding 10 years, shall be disqualified from processing industrial hemp under this section.

(6) A hemp processor shall be solely responsible for making any determination that an individual's criminal history record shows that such individual has been convicted of a crime that bears upon the fitness of such individual to extract cannabinoids from industrial hemp. This section does not require the Kansas bureau of investigation to make such a determination on behalf of any hemp processor.

(7) The Kansas bureau of investigation may charge a reasonable fee for conducting a criminal history record check.

(8) A registered hemp processor, or an applicant to become a registered hemp processor, shall pay the costs of fingerprinting and the state and national criminal history record checks for individuals seeking employment under such hemp processor or applicant.

(k) The secretary shall promulgate rules and regulations to carry out the provisions of this section.

(l) This section shall be a part of and supplemental to the commercial industrial hemp act, K.S.A. 2018 Supp. 2-3901 et seq., and amendments thereto.";

On page 8, in line 6, after "any" by inserting "other"; in line 7, by striking all after

"hemp"; by striking all in lines 8 and 9; in line 10, by striking all before the period and inserting "that is prohibited pursuant to the Kansas food, drug and cosmetic act, K.S.A. 65-636 et seq., and amendments thereto, and the commercial feeding stuffs act, K.S.A. 2-1001 et seq., and amendments thereto. This subparagraph shall not otherwise prohibit the use of any such ingredient, including cannabidiol oil, in such hemp products"; in line 22, by striking "operating"; in line 23, by striking all before the comma and inserting "registered as a hemp processor pursuant to section 4, and amendments thereto"; in line 29, after the semicolon, by striking "and" and inserting "or"; in line 32, by striking all after "misdemeanor"; by striking all in line 33; in line 34, by striking all before the period; in line 35, after "second" by inserting "or subsequent"; in line 36, by striking all after "felony"; by striking all in lines 37 through 43;

On page 9, in line 1, by striking all before the period; in line 6, by striking "authorized" and inserting "not prohibited"; in line 23, by striking "act" and inserting "section"; in line 27, after "(b)" by inserting "Any violation of this section shall be considered an unlawful act for the purposes of K.S.A. 65-3409, and amendments thereto.

(c) ";

On page 10, in line 2, after "THC" by inserting ":

(A) ";

Also on page 10, in line 3, after the period by inserting ";

(B) on a percentage by weight basis in hemp products, waste or substances resulting from the production or processing of industrial hemp.";

Also on page 10, in line 19, by striking "licensed" and inserting "registered"; in line 20, by striking the second comma and inserting "and"; also in line 20, by striking "and distribute";

On page 11, in line 1, by striking "that"; also in line 1, after "plants" by inserting "to"; in line 5, by striking all before "not" and inserting "they do";

On page 13, in line 6, by striking "thereunder" and inserting "hereunder";

On page 32, in line 29, by striking "on"; in line 30, by striking all before the semicolon;

And by renumbering sections accordingly;

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

DAN KERSCHEN

RICK BILLINGER

MARCI FRANCISCO

Conferees on part of Senate

RON HIGHLAND

ERIC SMITH

SYDNEY CARLIN

Conferees on part of House

Senator Kerschen moved the Senate adopt the Conference Committee Report on **S Sub HB 2167**.

On roll call, the vote was: Yeas 37; Nays 0; Present and Passing 0; Absent or Not Voting 3.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll,

Faust-Goudeau, Francisco, Givens, Goddard, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware.

Absent or Not Voting: Estes, Haley, Wilborn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MADAM PRESIDENT: Your committee on conference on Senate amendments to **HB 2223** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, by striking all in lines 6 through 34;

By striking all on pages 2 through 4;

On page 5, by striking all in lines 1 through 30 and inserting:

"New Section 1. (a) Under the authority of this section and the legislative post audit act, and subject to appropriations therefor, the legislative post audit committee shall direct the post auditor and the division of post audit to conduct a systematic and comprehensive review, analysis and evaluation, under the provisions of the legislative post audit act, of economic development incentive programs, as defined in section 2, and amendments thereto, as selected by the legislative post audit committee. The evaluation procedure established by this section is intended to enhance and facilitate the ability of the legislature to fulfill its responsibility to evaluate and oversee economic development incentive programs. The oversight of economic development incentive programs is intended to remain with the legislature, independent of the legislative post audit committee. This section shall not be construed to limit, in any way, oversight of economic development incentive programs to the legislative post audit committee.

(b) The evaluations shall be considered within the meaning of the term audit for purposes of the legislative post audit act and shall be conducted by the post auditor and the division of legislative post audit pursuant to a schedule developed by the legislative post audit committee, such that all economic development incentive programs shall be reviewed every three years, and new economic development incentive programs shall be reviewed the year after the program commences, and then every three years thereafter. The timing and extent of the evaluations may be subject to adjustment by the legislative post audit committee in a manner consistent with the requirements of this section as necessary to conform with resources available to the post auditor in consideration of the demands of other duties under the legislative post audit act.

(c) In conducting such evaluations, the post auditor and the division of post audit shall have access to all books, accounts, records, files, documents and correspondence, confidential or otherwise, to the same extent permitted under K.S.A. 46-1106(e), and amendments thereto, and shall be subject to the same duty of confidentiality as provided by the legislative post audit act.

(d) Evaluations shall be conducted with the goal of enabling evidence-based policy determinations by the legislature with respect to economic development incentive programs. To the extent reasonably possible, evaluations shall utilize direct and documented evidence and primary-source instead of secondary source data. An

evaluation shall include, as directed by the post audit committee:

(1) A description of the economic development incentive program, its history and its goals;

(2) a literature review of the effectiveness of this type of incentive program, including an inventory of similar incentive programs in other states;

(3) an estimate of the economic and fiscal impact of the incentive program;

This estimate may take into account the following considerations in addition to other relevant factors:

(A) The extent to which the incentive program changes business behavior;

(B) the results of the incentive program for the economy of Kansas as a whole, including both positive direct and indirect impacts and any negative effects on other Kansas businesses;

(C) a comparison with the results of other incentive programs or other economic development strategies with similar goals;

(D) an assessment of whether protections are in place to ensure that the fiscal impact of the incentive program does not substantially increase beyond the state's means or expectations in future years;

(E) an assessment of the incentive program's design and whether the incentive program is being effectively administered in accordance with the program's enacting statute or statutes;

(F) an assessment of whether the incentive program is achieving its goals;

(G) recommendations for any changes to state policy, rules and regulations or statutes that would allow the incentive program to be more easily or conclusively evaluated in the future. These recommendations may include changes to collection, reporting and sharing of data, and revisions or clarifications to the goals of the incentive program;

(H) a return on investment calculation for the economic development incentive program. For purposes of this paragraph, "return on investment calculation" means analyzing the cost to the state or political subdivision for providing the economic development incentive program and analyzing the benefits realized by the state or political subdivision from providing the economic development incentive program;

(I) the methodology and assumptions used in carrying out the reviews, analyses and evaluations required under this subsection, including an analysis of multiplier effects and a critique of the multiplier effect determination methodologies utilized in the evaluation report, including any determinations made using standard industry software models, and any respective limitations or potential effects of such methods on outcomes; and

(J) an analysis of significant opportunity costs of the incentive program at the state and local level;

(4) any other information that the legislative post audit committee deems necessary to assess the effectiveness of the incentive program and whether it is achieving the goals of the incentive program; and

(5) all information, after redaction, as necessary, by the post auditor to remove information confidential under state or federal law, required for publication pursuant to section 3, and amendments thereto, with respect to the economic development incentive program being evaluated.

(e) The post auditor shall prepare and submit a written report with respect to each

evaluation to the legislative post audit committee as provided by the legislative post audit act and, in addition, shall prepare and provide any redacted information, with respect to the economic incentive program evaluated, required for publication by the secretary of commerce pursuant to section 3, and amendments thereto, to the secretary of commerce if such information is not otherwise available to the secretary of commerce.

(f) This section shall be a part of and supplemental to the legislative post audit act.

New Sec. 2. As used in sections 2 and 3, and amendments thereto:

(a) "Administering agency" means the state agency or department charged with administering a particular economic development incentive program, as set forth by the program's enacting statute or, where no department or agency is set forth, the department of revenue.

(b) "Economic development incentive program" means:

(1) Any economic development incentive program administered wholly or in part by the secretary of commerce;

(2) any tax credit program, except for social and domestic tax credits, regardless of the administering agency;

(3) property that has been exempted from ad valorem taxation under the provisions of section 13 of article 11 of the constitution of the state of Kansas;

(4) property that has been purchased, acquired, constructed, reconstructed, improved, equipped, furnished, repaired, enlarged or remodeled with all or any part of the proceeds of revenue bonds issued under the authority of K.S.A. 12-1740 through 12-1749a, and amendments thereto, that is exempt from ad valorem taxation under K.S.A. 79-201a *Second*, and amendments thereto; and

(5) any economic development fund, including, but not limited to, the job creation program fund established by K.S.A. 74-50,224, and amendments thereto, and the economic development initiatives fund, established by K.S.A. 79-4804, and amendments thereto.

(c) "Enterprise" means a corporation, limited liability company, S corporation, partnership, registered limited liability partnership, foundation, association, nonprofit entity, sole proprietorship, business trust or other entity engaged in business.

(d) "Recipient" means the enterprise that is the original applicant for and that receives proceeds from an economic development incentive program directly from the administering agency. "Recipient" includes an enterprise that is no longer solvent due to bankruptcy and a recipient with respect to an economic development project that has failed.

(e) "Social and domestic tax credits" means the adoption credit created pursuant to K.S.A. 79-202a, and amendments thereto, the earned income tax credit created pursuant to K.S.A. 2018 Supp. 79-32,205, and amendments thereto, the food sales tax credit created pursuant to K.S.A. 2018 Supp. 79-32,271, and amendments thereto, the child and dependent care tax credit created pursuant to K.S.A. 2018 Supp. 79-32,111c, and amendments thereto, and the homestead property tax refund created pursuant to K.S.A. 79-4501 et seq., and amendments thereto.

(f) "Tax credit program" means any credit allowed against the tax imposed by the Kansas income tax act, the premium or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by net income of financial institutions imposed pursuant to article 11 of chapter 79 of the Kansas Statutes

Annotated, and amendments thereto.

New Sec. 3. (a) The department of commerce shall collect incentive data from economic development incentive programs that provide more than \$50,000 of annual incentives from administering agencies as required by this section. Such data shall be collected from administering agencies and be stored in a database that is available to the public in a digital format. The database shall contain information from multiple years and must be searchable, printable and available to access over the internet on the department of commerce's website on a permanently accessible web page that may be accessed via a conspicuous link to that web page placed on the front page of the department's website. Information included in the database shall be updated by the department of commerce on an annual basis and such update shall be completed prior to the end of the following fiscal year in which such incentive was earned or distributed.

(b) The database required to be created by subsection (a) shall contain the following information or shall contain a link by which the user can access such information:

(1) User information for each economic development incentive program, including the:

(A) Names and addresses, including county, of recipients receiving benefits from the program and, for sales tax and revenue bonds issued under the STAR bond financing act, K.S.A. 2018 Supp. 12-17,162 et seq., and amendments thereto, the names of principals and officers for each project developer;

(B) annual amount of incentives claimed, distributed to or received by each recipient and any remaining balance of the total amount of incentives claimed or awarded to the recipient;

(C) qualification criteria for the economic development incentive program, including, if available, qualification criteria specific to the recipient. Qualification criteria shall include, but not be limited to, any requirements regarding the number of jobs created or the amount of initial or annual capital improvement;

(D) required benchmarks for continued participation in the economic development incentive program and progress made toward the benchmarks; and

(E) years for which the recipient has received benefits under the economic development incentive program;

(2) descriptive information for each economic development program, which shall include:

(A) A description and history of the program, including its inception date;

(B) the purpose or goals of the program and the criteria for qualification;

(C) applications for the program, if any, and relevant resources or contacts;

(D) the program cost and return on investment, including assumptions used to calculate the return on investment;

(E) the program compliance rate;

(F) annual reports, if required by statute; and

(G) evaluations of the program, if any; and

(3) annual data, which shall be organized by recipient, county and program and shall include the:

(A) Total amount of annual incentives from a program claimed or received by a recipient;

(B) total amount of incentives received by recipients in each county; and

(C) total amount of incentives distributed by each program.

(c) Data collected pursuant to this section must be aggregated and provided by program, recipient and county.

(d) Except as otherwise provided in this subsection, and notwithstanding any information publication requirements listed in this section, no information shall be disclosed by the secretary of commerce under this section if such disclosure would:

- (1) Violate any federal law;
- (2) violate the confidentiality provisions of any agreement executed before July 1, 2019;
- (3) in the discretion of the secretary of commerce, be detrimental to the development of a STAR bond project or jeopardize an economic development incentive program or project; or

(4) disclose the names or other personally identifying information of individuals who have made contributions or investments pursuant to the provisions of an economic development incentive program for the purpose of receiving a tax credit.

Information that is otherwise publicly available shall not be considered confidential and shall be subject to publication as provided in this section.

(e) (1) The secretary of commerce shall report in writing to the standing committee on commerce, labor and economic development of the house of representatives and the standing committee on commerce of the senate any information not disclosed by the secretary pursuant to subsection (d)(3) and the reason the information was not disclosed. Any testimony or oral presentation before the committee or discussion by the committee with respect to the report shall be considered the discussion of data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships pursuant to the provisions of K.S.A. 75-4319(b)(4), and amendments thereto, for purposes of the Kansas open meetings act, and shall be closed to the public.

(2) The report of the secretary pursuant to subsection (e)(1) shall be confidential and shall not be subject to the provisions of the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of this paragraph shall expire on July 1, 2024, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2024.

New Sec. 4. (a) In addition to any other reports by the secretary of commerce to the legislative post audit committee, the house committee on commerce, labor and economic development or the senate committee on commerce otherwise required by law, each year, commencing in 2020, the secretary of commerce shall make an oral presentation before the legislative post audit committee, the house committee on commerce, labor and economic development and the senate committee on commerce at mutually agreed times during the period from the commencement of the legislative session to the end of January, and shall provide a report to each such committee with respect to each economic development incentive program as defined by section 2, and amendments thereto.

(b) The report shall include the following with respect to each economic development incentive program:

- (1) A summary of the program;
- (2) an annual update;
- (3) an analysis of economic impact data utilizing direct, primary source or auditable data, to the extent such data is reasonably available, and excluding any tertiary or

indirect effects of the economic development program; and

(4) any other information or analysis specified by the committee.

Sec. 5. K.S.A. 2018 Supp. 75-5133 is hereby amended to read as follows: 75-5133.

(a) Except as otherwise more specifically provided by law, all information received by the secretary of revenue, the director of taxation or the director of alcoholic beverage control from returns, reports, license applications or registration documents made or filed under the provisions of any law imposing any sales, use or other excise tax administered by the secretary of revenue, the director of taxation, or the director of alcoholic beverage control, or from any investigation conducted under such provisions, shall be confidential, and it shall be unlawful for any officer or employee of the department of revenue to divulge any such information except in accordance with other provisions of law respecting the enforcement and collection of such tax, in accordance with proper judicial order or as provided in K.S.A. 74-2424, and amendments thereto.

(b) The secretary of revenue or the secretary's designee may:

(1) Publish statistics, so classified as to prevent identification of particular reports or returns and the items thereof;

(2) allow the inspection of returns by the attorney general or the attorney general's designee;

(3) provide the post auditor access to all such excise tax reports or returns in accordance with and subject to the provisions of K.S.A. 46-1106(g), and amendments thereto;

(4) disclose taxpayer information from excise tax returns to persons or entities contracting with the secretary of revenue where the secretary has determined disclosure of such information is essential for completion of the contract and has taken appropriate steps to preserve confidentiality;

(5) provide information from returns and reports filed under article 42 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, to county appraisers as is necessary to ensure proper valuations of property. Information from such returns and reports may also be exchanged with any other state agency administering and collecting conservation or other taxes and fees imposed on or measured by mineral production;

(6) provide, upon request by a city or county clerk or treasurer or finance officer of any city or county receiving distributions from a local excise tax, monthly reports identifying each retailer doing business in such city or county or making taxable sales sourced to such city or county, setting forth the tax liability and the amount of such tax remitted by each retailer during the preceding month, and identifying each business location maintained by the retailer and such retailer's sales or use tax registration or account number;

(7) provide information from returns and applications for registration filed pursuant to K.S.A. 12-187, and amendments thereto, and K.S.A. 79-3601, and amendments thereto, to a city or county treasurer or clerk or finance officer to explain the basis of statistics contained in reports provided by subsection (b)(6);

(8) disclose the following oil and gas production statistics received by the department of revenue in accordance with K.S.A. 79-4216 et seq., and amendments thereto: Volumes of production by well name, well number, operator's name and identification number assigned by the state corporation commission, lease name, leasehold property description, county of production or zone of production, name of purchaser and purchaser's tax identification number assigned by the department of

revenue, name of transporter, field code number or lease code, tax period, exempt production volumes by well name or lease, or any combination of this information;

(9) release or publish liquor brand registration information provided by suppliers, farm wineries, microdistilleries and microbreweries in accordance with the liquor control act. The information to be released is limited to: Item number, universal numeric code, type status, product description, alcohol percentage, selling units, unit size, unit of measurement, supplier number, supplier name, distributor number and distributor name;

(10) release or publish liquor license information provided by liquor licensees, distributors, suppliers, farm wineries, microdistilleries and microbreweries in accordance with the liquor control act. The information to be released is limited to: County name, owner, business name, address, license type, license number, license expiration date and the process agent contact information;

(11) release or publish cigarette and tobacco license information obtained from cigarette and tobacco licensees in accordance with the Kansas cigarette and tobacco products act. The information to be released is limited to: County name, owner, business name, address, license type and license number;

(12) provide environmental surcharge or solvent fee, or both, information from returns and applications for registration filed pursuant to K.S.A. 65-34,150 and 65-34,151, and amendments thereto, to the secretary of health and environment or the secretary's designee for the sole purpose of ensuring that retailers collect the environmental surcharge tax or solvent fee, or both;

(13) provide water protection fee information from returns and applications for registration filed pursuant to K.S.A. 82a-954, and amendments thereto, to the secretary of the state board of agriculture or the secretary's designee and the secretary of the Kansas water office or the secretary's designee for the sole purpose of verifying revenues deposited to the state water plan fund;

(14) provide to the secretary of commerce copies of applications for project exemption certificates sought by any taxpayer under the enterprise zone sales tax exemption pursuant to K.S.A. 79-3606(cc), and amendments thereto;

(15) disclose information received pursuant to the Kansas cigarette and tobacco act and subject to the confidentiality provisions of this act to any criminal justice agency, as defined in K.S.A. 22-4701(c), and amendments thereto, or to any law enforcement officer, as defined in K.S.A. 2018 Supp. 21-5111, and amendments thereto, on behalf of a criminal justice agency, when requested in writing in conjunction with a pending investigation;

(16) provide to retailers tax exemption information for the sole purpose of verifying the authenticity of tax exemption numbers issued by the department;

(17) provide information concerning remittance by sellers, as defined in K.S.A. 2018 Supp. 12-5363, and amendments thereto, of prepaid wireless 911 fees from returns to the local collection point administrator, as defined in K.S.A. 2018 Supp. 12-5363, and amendments thereto, for purposes of verifying seller compliance with collection and remittance of such fees;

(18) release or publish charitable gaming information obtained in charitable gaming licensee and registration applications and renewals in accordance with the Kansas charitable gaming act, K.S.A. 2018 Supp. 75-5171 et seq., and amendments thereto. The information to be released is limited to: The name, address, phone number, license registration number and email address of the organization, distributor or of premises;

and

(19) provide to the attorney general confidential information for purposes of determining compliance with or enforcing K.S.A. 50-6a01 et seq., and amendments thereto, the master settlement agreement referred to therein and all agreements regarding disputes under the master settlement agreement. The secretary and the attorney general may share the information specified under this subsection with any of the following:

(A) Federal, state or local agencies for the purposes of enforcement of corresponding laws of other states; and

(B) a court, arbitrator, data clearinghouse or similar entity for the purpose of assessing compliance with or making calculations required by the master settlement agreement or agreements regarding disputes under the master settlement agreement, and with counsel for the parties or expert witnesses in any such proceeding, if the information otherwise remains confidential; and

(20) disclose taxpayer information that is received from income tax returns to the department of commerce that may be disclosed pursuant to the provisions of section 3, and amendments thereto, for the purpose of including such information in the database required by section 3, and amendments thereto.

(c) Any person receiving any information under the provisions of subsection (b) shall be subject to the confidentiality provisions of subsection (a) and to the penalty provisions of subsection (d).

(d) Any violation of this section shall be a class A, nonperson misdemeanor, and if the offender is an officer or employee of this state, such officer or employee shall be dismissed from office. Reports of violations of this paragraph shall be investigated by the attorney general. The district attorney or county attorney and the attorney general shall have authority to prosecute any violation of this section if the offender is a city or county clerk or treasurer or finance officer of a city or county.

Sec. 6. K.S.A. 2018 Supp. 79-3234 is hereby amended to read as follows: 79-3234. (a) All reports and returns required by this act shall be preserved for three years and thereafter until the director orders them to be destroyed.

(b) Except in accordance with proper judicial order, or as provided in subsection (c) or in K.S.A. 17-7511, ~~subsection (g) of K.S.A. 46-1106(g), K.S.A. 46-1114, or K.S.A. 79-32,153a,~~ and amendments thereto, it shall be unlawful for the secretary, the director, any deputy, agent, clerk or other officer, employee or former employee of the department of revenue or any other state officer or employee or former state officer or employee to divulge, or to make known in any way, the amount of income or any particulars set forth or disclosed in any report, return, federal return or federal return information required under this act; and it shall be unlawful for the secretary, the director, any deputy, agent, clerk or other officer or employee engaged in the administration of this act to engage in the business or profession of tax accounting or to accept employment, with or without consideration, from any person, firm or corporation for the purpose, directly or indirectly, of preparing tax returns or reports required by the laws of the state of Kansas, by any other state or by the United States government, or to accept any employment for the purpose of advising, preparing material or data, or the auditing of books or records to be used in an effort to defeat or cancel any tax or part thereof that has been assessed by the state of Kansas, any other state or by the United States government.

(c) The secretary or the secretary's designee may: (1) Publish statistics, so classified as to prevent the identification of particular reports or returns and the items thereof;

(2) allow the inspection of returns by the attorney general or other legal representatives of the state;

(3) provide the post auditor access to all income tax reports or returns in accordance with and subject to the provisions of ~~subsection (g) of K.S.A. 46-1106(g)~~ or ~~K.S.A. 46-1114~~, and amendments thereto;

(4) disclose taxpayer information from income tax returns to persons or entities contracting with the secretary of revenue where the secretary has determined disclosure of such information is essential for completion of the contract and has taken appropriate steps to preserve confidentiality;

(5) disclose to the secretary of commerce the following: (A) Specific taxpayer information related to financial information previously submitted by the taxpayer to the secretary of commerce concerning or relevant to any income tax credits, for purposes of verification of such information or evaluating the effectiveness of any tax credit or economic incentive program administered by the secretary of commerce; (B) the amount of payroll withholding taxes an employer is retaining pursuant to K.S.A. 74-50,212, and amendments thereto; (C) information received from businesses completing the form required by K.S.A. 74-50,217, and amendments thereto; and (D) findings related to a compliance audit conducted by the department of revenue upon the request of the secretary of commerce pursuant to K.S.A. 74-50,215, and amendments thereto;

(6) disclose income tax returns to the state gaming agency to be used solely for the purpose of determining qualifications of licensees of and applicants for licensure in tribal gaming. Any information received by the state gaming agency shall be confidential and shall not be disclosed except to the executive director, employees of the state gaming agency and members and employees of the tribal gaming commission;

(7) disclose the taxpayer's name, last known address and residency status to the Kansas department of wildlife, parks and tourism to be used solely in its license fraud investigations;

(8) disclose the name, residence address, employer or Kansas adjusted gross income of a taxpayer who may have a duty of support in a title IV-D case to the secretary of the Kansas department for children and families for use solely in administrative or judicial proceedings to establish, modify or enforce such support obligation in a title IV-D case. In addition to any other limits on use, such use shall be allowed only where subject to a protective order which prohibits disclosure outside of the title IV-D proceeding. As used in this section, "title IV-D case" means a case being administered pursuant to part D of title IV of the federal social security act, 42 U.S.C. § 651 et seq., and amendments thereto. Any person receiving any information under the provisions of this subsection shall be subject to the confidentiality provisions of subsection (b) and to the penalty provisions of subsection (e);

(9) permit the commissioner of internal revenue of the United States, or the proper official of any state imposing an income tax, or the authorized representative of either, to inspect the income tax returns made under this act and the secretary of revenue may make available or furnish to the taxing officials of any other state or the commissioner of internal revenue of the United States or other taxing officials of the federal government, or their authorized representatives, information contained in income tax reports or returns or any audit thereof or the report of any investigation made with

respect thereto, filed pursuant to the income tax laws, as the secretary may consider proper, but such information shall not be used for any other purpose than that of the administration of tax laws of such state, the state of Kansas or of the United States;

(10) communicate to the executive director of the Kansas lottery information as to whether a person, partnership or corporation is current in the filing of all applicable tax returns and in the payment of all taxes, interest and penalties to the state of Kansas, excluding items under formal appeal, for the purpose of determining whether such person, partnership or corporation is eligible to be selected as a lottery retailer;

(11) communicate to the executive director of the Kansas racing commission as to whether a person, partnership or corporation has failed to meet any tax obligation to the state of Kansas for the purpose of determining whether such person, partnership or corporation is eligible for a facility owner license or facility manager license pursuant to the Kansas parimutuel racing act;

(12) provide such information to the executive director of the Kansas public employees retirement system for the purpose of determining that certain individuals' reported compensation is in compliance with the Kansas public employees retirement act, K.S.A. 74-4901 et seq., and amendments thereto;

(13) ~~(A)~~ provide taxpayer information of persons suspected of violating K.S.A. 2018 Supp. 44-766, and amendments thereto, to the secretary of labor or such secretary's designee for the purpose of determining compliance by any person with the provisions of ~~subsection (i)(3)(D)~~ of K.S.A. 44-703~~(i)(3)(D)~~ and K.S.A. 2018 Supp. 44-766, and amendments thereto. The information to be provided shall include all relevant information in the possession of the department of revenue necessary for the secretary of labor to make a proper determination of compliance with the provisions of ~~subsection (i)(3)(D)~~ of K.S.A. 44-703~~(i)(3)(D)~~ and K.S.A. 2018 Supp. 44-766, and amendments thereto, and to calculate any unemployment contribution taxes due. Such information to be provided by the department of revenue shall include, but not be limited to, withholding tax and payroll information, the identity of any person that has been or is currently being audited or investigated in connection with the administration and enforcement of the withholding and declaration of estimated tax act, K.S.A. 79-3294 et seq., and amendments thereto, and the results or status of such audit or investigation;

~~(B)~~ any person receiving tax information under the provisions of this paragraph shall be subject to the same duty of confidentiality imposed by law upon the personnel of the department of revenue and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality; and

~~(C)~~ each of the secretary of labor and the secretary of revenue may adopt rules and regulations necessary to effect the provisions of this paragraph;

(14) provide such information to the state treasurer for the sole purpose of carrying out the provisions of K.S.A. 58-3934, and amendments thereto. Such information shall be limited to current and prior addresses of taxpayers or associated persons who may have knowledge as to the location of an owner of unclaimed property. For the purposes of this paragraph, "associated persons" includes spouses or dependents listed on income tax returns; ~~and~~

(15) after receipt of information pursuant to subsection (f), forward such information and provide the following reported Kansas individual income tax information for each listed defendant, if available, to the state board of indigents' defense services in an electronic format and in the manner determined by the secretary:

(A) The defendant's name; (B) social security number; (C) Kansas adjusted gross income; (D) number of exemptions claimed; and (E) the relevant tax year of such records. Any social security number provided to the secretary and the state board of indigents' defense services pursuant to this section shall remain confidential; and

(16) disclose taxpayer information that is received from income tax returns to the department of commerce that may be disclosed pursuant to the provisions of section 3, and amendments thereto, for the purpose of including such information in the database required by section 3, and amendments thereto.

(d) Any person receiving information under the provisions of subsection (c) shall be subject to the confidentiality provisions of subsection (b) and to the penalty provisions of subsection (e).

(e) Any violation of subsection (b) or (c) is a class A nonperson misdemeanor and, if the offender is an officer or employee of the state, such officer or employee shall be dismissed from office.

(f) For the purpose of determining whether a defendant is financially able to employ legal counsel under the provisions of K.S.A. 22-4504, and amendments thereto, in all felony cases with appointed counsel where the defendant's social security number is accessible from the records of the district court, the court shall electronically provide the defendant's name, social security number, district court case number and county to the secretary of revenue in the manner and format agreed to by the office of judicial administration and the secretary.

(g) Nothing in this section shall be construed to allow disclosure of the amount of income or any particulars set forth or disclosed in any report, return, federal return or federal return information, where such disclosure is prohibited by the federal internal revenue code as in effect on September 1, 1996, and amendments thereto, related federal internal revenue rules or regulations, or other federal law.

Sec. 7. K.S.A. 12-5245 is hereby amended to read as follows: 12-5245. (a) Upon receipt of the approval of the secretary as provided in ~~subsection (e) of K.S.A. 12-5244(c), and amendments thereto,~~ the governing body may proceed with the establishment of the district. Before doing so, the governing body shall adopt a plan for the development or redevelopment of housing and public facilities in the proposed district. Such plan may include plans for one or more projects, and the length of any individual project shall not exceed ~~15~~ 25 years. The plan shall include, but not be limited to, the following:

(1) The legal description and map required by ~~subsection (a) of K.S.A. 12-5244(a), and amendments thereto;~~

(2) the existing assessed valuation of the real estate in the proposed district, listing the land and improvement values separately;

(3) a list of the names and addresses of the owners of record of all real estate parcels within the proposed district;

(4) a description of the housing and public facilities project or projects that are proposed to be constructed or improved in the proposed district, and the location thereof;

(5) a listing of the names, addresses and specific interests in real estate in the proposed district of the developers responsible for development of the housing and public facilities in the proposed district;

(6) the contractual assurances, if any, the governing body has received from such

developer or developers, guaranteeing the financial feasibility of specific housing tax incentive projects in the proposed district; and

(7) a comprehensive analysis of the feasibility of providing housing tax incentives in the district, as provided in this act, ~~which that~~ shows the public benefits derived from such district will exceed the costs and that the income therefrom, together with other sources of funding, will be sufficient to pay for the public improvements that may be undertaken in such district. If other sources of public or private funds are to be used to finance the improvements, they shall be identified in the analysis.

(b) Prior to the adoption of the plan and designation of the district, the governing body shall adopt a resolution stating that the governing body is considering such action. The resolution shall provide notice that a public hearing will be held to consider the adoption of the plan and the designation of the district and contain the following elements:

(1) The date, hour and place of the public hearing;

(2) the contents of ~~paragraphs (1) through (4) in subsection (a) of this section~~ (1) through (4);

(3) a summary of the contractual assurances by the developer and comprehensive feasibility analysis; ~~and~~

(4) a statement that the plan is available for inspection at the office of the clerk of the city or county at normal business hours; and

(5) a statement inviting members of the public to review the plan and attend the public hearing on the date announced in the resolution; and

(c) The date fixed for the public hearing shall be not less than 30 nor more than 70 days following the date of the adoption of the resolution. The resolution shall be published at least once in the official newspaper of the city or county, with the final publication being not less than one week or more than two weeks preceding the date fixed for the public hearing.

(d) A certified copy of the resolution shall be delivered to the planning commission of the city or county and the board of education of any school district levying taxes on property within the proposed district. If the resolution is adopted by a city governing body, a certified copy also shall be delivered to the board of county commissioners of the county. If the resolution is adopted by a county governing body, it also shall be delivered to the governing body of any city located within three miles of such proposed district.

Sec. 8. K.S.A. 2018 Supp. 12-5248 is hereby amended to read as follows: 12-5248. (a) (1) Any city or county ~~which that~~ has established a housing incentive district as provided in this act may issue special obligation bonds to finance the implementation of the plan adopted for the district by the governing body. ~~Such~~ The special obligation bonds shall be made payable, both as to principal and interest:

(A) From property tax increments allocated to, and paid into a special fund of the city or county under the provisions of ~~subsection (b) of~~ K.S.A. 12-5250 (b), and amendments thereto;

(B) from revenues of the city or county derived from or held in connection with the implementation of the project or projects in the district;

(C) from any private sources, contributions or other financial assistance from the state or federal government;

(D) from any financial sureties or other guarantees provided by the developer;

(E) from a pledge of any other lawfully available city or county revenue sources, including, but not limited to: ~~(1)~~ (i) A portion of all increased franchise fees collected from utilities and other businesses using public rights-of-way within the district; or ~~(2)~~ (ii) a portion of the sales and use tax revenues received by the city or county and collected pursuant to K.S.A. 12-187, and amendments thereto; or

(F) by any combination of these methods.

The city or county may pledge ~~such the~~ revenue to the repayment of ~~such the~~ special obligations bonds prior to, simultaneously with, or subsequent to the issuance of ~~such the~~ special obligation bonds.

(2) Bonds issued under this subsection shall not be general obligations of the city or county, ~~not nor~~ in any event shall they give rise to a charge against the general credit or taxing powers of the city or county, or be payable out of any funds or properties other than any of those set forth in this subsection. ~~Such~~ The bonds shall ~~so~~ state such information on their face.

(3) The bonds issued under the provisions of this subsection shall be special obligations of the city or county and are declared to be negotiable instruments. The bonds shall be executed by the mayor and clerk of the city or, in the case of counties, by the chairman of the board of county commissioners and clerk of the county, and shall be sealed with the corporate seal of the city or the seal of the county. All details pertaining to the issuance of ~~such the~~ special obligation bonds shall be determined by ordinance of the city or resolution of the county. All special obligation bonds issued pursuant to this act shall be exempt from all state taxes. The special obligation bonds shall contain none of the recitals set forth in K.S.A. 10-112, and amendments thereto. The special obligation bonds shall contain the following recitals, ~~viz.:~~ The authority under which ~~such the~~ special obligation bonds are issued; ~~that~~ they are in conformity with the provisions, restrictions and limitations thereof; and that ~~such the~~ special obligation bonds and the interest thereon are to be paid from the money and revenue received as provided in paragraph (1) ~~of this subsection.~~

(4) The maximum maturity on bonds issued to finance projects pursuant to this act shall not exceed ~~15~~ 25 years.

(5) Any city or county issuing special obligation bonds under the provisions of this act may refund all or part of ~~such the~~ issue pursuant to the provisions of K.S.A. 10-116a, and amendments thereto.

(b) In the event the city or county shall default in the payment of any special obligation bonds as authorized pursuant to ~~paragraph (1) of subsection (a)~~ (1) of this section, and amendments thereto, no public funds shall be used to pay the holders thereof except as otherwise specifically authorized in this act.

(c) Any and all terms, conditions, exclusions and limitations ~~which that~~ are otherwise applicable to bonds issued by authority of K.S.A. 12-1774, and amendments thereto, shall also be applicable to bonds issued pursuant to this section.

Sec. 9. K.S.A. 12-5250 is hereby amended to read as follows: 12-5250. (a) All taxable tangible property located within a district established in accordance with this act shall be assessed and taxed for ad valorem tax purposes pursuant to law in the same manner that such property would be assessed and taxed if located outside such district, and all ad valorem taxes levied on such property shall be paid to and collected by the county treasurer in the same manner as other taxes are paid and collected. Except as otherwise provided in this section, the county treasurer shall distribute such taxes as

may be collected in the same manner as if such property were located outside the district. Each district established under the provisions of this act shall constitute a separate taxing unit for the purpose of the computation and levy of taxes.

(b) Beginning with the first payment of taxes ~~which that~~ are levied following the date of the approval of any district in accordance with this act, and amendments thereto, real property taxes received by the county treasurer resulting from taxes which are levied subject to the provisions of this act by and for the benefit of a taxing subdivision on property located within such district constituting a separate taxing unit under the provisions of this section, shall be divided as follows:

(1) From the taxes levied each year subject to the provisions of this act by or for each taxing subdivisions upon property located within a district constituting a separate taxing unit under the provisions of this act, the county treasurer first shall allocate and pay to each such taxing subdivision all of the real property taxes collected which are produced from that portion of the current assessed valuation of such real property located within such separate taxing unit which is equal to the total assessed value of such real property on the date of the establishment of the district.

(2) Any real property taxes produced from that portion of the current assessed valuation of real property within a district and constituting a separate taxing unit under the provisions of this section in excess of an amount equal to the total assessed value of such real property on the effective date of the establishment of the district shall be allocated and paid by the county treasurer to the treasurer as follows:

(A) In districts established by a city, the amount shall be paid to the treasurer of the city and deposited in a special fund of the city to pay the cost of housing projects in the district including the payment of principal of and interest on any special obligation bonds issued by such city to finance, in whole or in part, such housing project.

(B) In districts established by a county, the amount shall be deposited by the county treasurer in a special fund of the county to pay the cost of housing projects in the district including the payment of principal of and interest on any special obligation bonds issued by such county to finance, in whole or in part, such housing project. If such special obligation bonds and interest thereon have been paid before the completion of a project, the city or county may continue to use such moneys for any purpose authorized by this act until such time as the project is completed, but for not to exceed ~~15~~ 25 years from the date of the establishment of the district. When such special obligation bonds and interest thereon have been paid and the project is completed, all moneys thereafter received from real property taxes within such district shall be allocated and paid to the respective taxing subdivisions in the same manner as are other ad valorem taxes.

(c) Notwithstanding any other provision of law, it is hereby stated that is an object of all ad valorem taxes levied by or for the benefit of any taxing subdivision on taxable tangible real property located within any district created pursuant to this act, that such taxes may be applied and allocated to and when collected paid into a special fund of a city or county pursuant to the procedures and limitations of this act to pay the cost of a project including principal of and interest on special obligation bonds issued by such city or county to finance, in whole or in part, such project.

Sec. 10. K.S.A. 12-5245 and 12-5250 and K.S.A. 2018 Supp. 12-5248, 75-5133 and 79-3234 and hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, by striking all in line 1 through 3 and inserting:

"AN ACT concerning economic development; relating to economic development incentive program evaluations; disclosure of economic development incentive program data; economic development incentive financing to address rural housing shortages; amending K.S.A. 12-5245 and 12-5250 and K.S.A. 2018 Supp. 12-5248, 75-5133 and 79-3234 and repealing the exiting sections.";

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

JULIA LYNN
 MARY PILCHER-COOK
 TOM HOLLAND
Conferees on part of Senate

JOHN BARKER
 FRANCIS AWERKAMP
 JERRY STOGSDILL
Conferees on part of House

Senator Lynn moved the Senate adopt the Conference Committee Report on **HB 2223**.

On roll call, the vote was: Yeas 37; Nays 0; Present and Passing 0; Absent or Not Voting 3.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware.

Absent or Not Voting: Estes, Haley, Wilborn.

The Conference Committee Report was adopted.

ORIGINAL MOTION

Senator Hensley rose to submit the following:

Pursuant to Senate Rule 11, I move to withdraw **House Bill No. 2066** from the Committee on Public Health and Welfare and the bill be placed on the calendar under the order of business General Orders.

House Bill No. 2066 establishes the KanCare bridge to a healthy Kansas program.

The purpose of this motion is to allow for debate and vote on Medicaid expansion on the floor of the Kansas Senate in this legislative session. This motion is made on behalf of the thousands of Kansans who have contacted their Senator directly to express their desire for the Kansas Senate to debate this important issue during the 2019 Session of the Kansas Legislature.

The reasons for this motion include several facts beyond dispute: 36 states and the District of Columbia have had this debate and chosen to expand Medicaid.

Kansas has forgone more than \$3 billion that would have come to our state had we expanded Medicaid in 2014. The Kansas Hospital Association estimates for each day of delay on Medicaid expansion, the state loses slightly more than \$2 million.

Kansas Hospitals annually register more than one billion dollars in uncompensated care.

Medicaid expansion would provide improved healthcare access to 130,000 Kansans.

This debate will build on the deliberative work the legislature has already done over the past five years. There have been legislative hearings, round table discussions, local and regional stakeholder meetings – all with the purpose of engaging legislators, citizens and experts to explore the benefits and risks of expanding Medicaid. The action requested for in this motion is not arbitrary, but rather is the culmination of years of work.

The Kansas House of Representatives responded to their constituents by conducting a vigorous debate and passing **House Bill No. 2066** on March 21, 2019. The time has come for the Kansas Senate to debate Medicaid expansion on the floor and vote on the issue prior to adjournment of the 2019 Session.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolution was introduced and read by title:

SENATE CONCURRENT RESOLUTION No. 1612—

By Senators Wagle, Denning and Hensley

A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for a period during the 2019 regular session of the legislature.

Be it resolved by the Senate of the State of Kansas and the House of Representatives concurring therein: That the legislature shall adjourn at the close of business of the daily session convened on April 5, 2019, and shall reconvene on May 1, 2019, pursuant to adjournment of the daily session convened on April 5, 2019; and

Be it further resolved: That the secretary of the senate and the chief clerk of the house of representatives and employees specified by the director of legislative administrative services for such purpose shall attend to their duties each day during such period of adjournment, Sundays excepted, for the purpose of receiving messages from the governor and conducting such other business as may be required; and

Be it further resolved: That members of the legislature shall not receive the per diem compensation and subsistence allowances provided for in K.S.A. 46-137a(a) and (b), and amendments thereto, for any day within a period in which both houses of the legislature are adjourned for more than two days, Sundays excepted; and

Be it further resolved: That members of the legislature attending a legislative meeting of whatever nature when authorized pursuant to law, or by the legislative coordinating council, the president of the senate or the speaker of the house of representatives, and members of a conference committee attending a meeting of the conference committee authorized by the president of the senate and the speaker of the house of representatives during any period of adjournment for which members are not authorized compensation and allowances pursuant to K.S.A. 46-137a, and amendments thereto, shall receive compensation and travel expenses or allowances as provided by K.S.A. 75-3212, and amendments thereto.

On emergency motion of Senator Denning, **SCR 1612** was adopted by voice vote.

REPORT ON ENROLLED BILLS

SR 1736, SR 1737, SR 1738 reported correctly enrolled and properly signed and presented to the Secretary of the Senate on April 5, 2019.

Sub SB 130 reported correctly enrolled, properly signed and presented to the Governor on April 5, 2019.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Wednesday, May 1, 2019.

Journal of the Senate

FIFTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, May 1, 2019, 10:00 a.m.

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

The roll was called with 40 senators present.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, we thank You for the times when we can break away; when we can get away from the steady grind of our labors. But caution us Lord and even convict us, when we take breaks and get away from You. You said in Philippians 4:6-7, that prayer is vital to getting the answers we need.

Larnell Harris wrote a song about being so busy that we bypass that spiritual place of spending time with You. Reflecting back on the times that You were there and we were not, he wrote these words. "There He was just waiting, in our old familiar place. An empty spot beside Him, where once I used to wait. To be filled with strength and wisdom, for the battles of the day. And I would have passed Him by again, but I clearly heard Him say I miss My time with you, those moments together. I need to be with you each day. And it hurts Me when you say you're too busy, busy trying to serve Me. But how can you serve Me when your spirit's empty? There's a longing in My heart wanting more than just a part of you. It's true I miss My time with you."

And Lord, he heard You say, "What do I have to offer you? How can I truly care? My efforts have no meaning when your presence isn't there." So, our God will provide the power if we take time to pray. If we stay right there beside Him, we'll never have to hear Him say, "I miss My time with you. I miss My time with you." Deliver us Lord, from occasional, inconsistent prayer. In Jesus' Name, Amen.

The Pledge of Allegiance was led by Vice President Longbine.

CHANGE OF CONFERENCE

The Vice President appointed Senators Suellentrop, Berger and Bollier to replace Senators Olson, Billinger and Ware as members of the conference committee on **SB 28**.

The Vice President appointed Senator Wagle to replace Senator Tyson as a member of the conference committee on **HB 2033**.

The Vice President appointed Senators McGinn and Hawk to replace Senators Olson and Ware as members of the conference committee on **HB 2203**.

The Vice President appointed Senators Wilborn, Rucker and Miller to replace Senators Petersen, Goddard and Pettey as members of the conference committee on **HB 2248**.

MESSAGES FROM THE GOVERNOR

SB 16 approved on April 6, 2019.

SB 105 approved on April 8, 2019.

SB 60, SB 69, SB 71, SB 82, SB 97, SB 128, SB 199 approved on April 10, 2019.

SB 68 approved on April 11, 2019.

SB 77 approved on April 12, 2019.

SB 130 approved on April 15, 2019.

SB 15, SB 70, SB 78 approved on April 22, 2019.

MESSAGES FROM THE GOVERNOR

April 4, 2019

To the Senate of Kansas:

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

LAURA KELLY
Governor

Commissioner, Kansas Corporation Commission, Susan Duffy, Topeka, pursuant to the authority vested in me by the K.S.A. 74-601 and effective upon the date of confirmation by the Senate, to serve a term of four years, to succeed Jay Emler.

April 9, 2019

Enclosed is Executive Order 19-06.

LAURA KELLY
Governor

April 23, 2019

Enclosed is Executive Order 19-07.

LAURA KELLY
Governor

The Vice President announced that these actions are on file in the office of the Secretary of the Senate and available for review at any time.

REFERENCE OF APPOINTMENTS

Under the authority of the President the following appointment made by the Governor and submitted to the Senate for confirmation, was referred to Committee as indicated:

Member, State Corporation Commission:

Susan Duffy, to serve a term ending March 15, 2023.

(Utilities)

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1739—

A RESOLUTION honoring the 125th anniversary of Goodwill of Western Missouri and Eastern Kansas.

WHEREAS, In 1902, Goodwill Industries was founded in Boston, Massachusetts, by Edgar J. Helms; and

WHEREAS, To support its programs, Goodwill Industries initially collected used goods, and it trained employees with different abilities or disadvantages to repair items for resale to support its programs; and

WHEREAS, Goodwill Industries adopted the philosophy of offering "a hand up, not a hand out"; and

WHEREAS, Over the years, Goodwill Industries expanded its focus and became a training center for job seekers and began offering employment skills training and vocational rehabilitation for persons with disabilities; and

WHEREAS, In 1984, the Helping Hand Institute was founded in Kansas City, Missouri, to provide food, shelter, and a work-relief program for the homeless and without resources; and

WHEREAS, In 1978, in a joint effort to empower the local community to join and contribute to the workforce, Goodwill Industries and the Helping Hand Institute of Kansas City merged to form the Helping Hand of Goodwill Industries; and

WHEREAS, In 2010, the organization was renamed Goodwill of Western Missouri and Eastern Kansas to reflect the geographic area it serves; and

WHEREAS, Today, the Goodwill of Western Missouri and Eastern Kansas operates 14 retail stores, an outlet store and three donation centers, annually diverting more than 15 million pounds of material from going to area landfills; and

WHEREAS, Goodwill also empowers and trains hundreds of local job seekers with different abilities and disadvantages through individualized programs and services; and

WHEREAS, After 125 years, Goodwill continues to be a nonprofit leader that provides resources and services to individuals confronted by barriers to employment: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we honor the 125th anniversary of the Goodwill of Western Missouri and Eastern Kansas; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Sykes.

On emergency motion of Senator Sykes **SR 1739** was adopted by voice vote.

VETO SUSTAINED

The Governor's objection to **SB 22** is sustained as the 30th day to override has passed.

GOVERNOR'S VETO MESSAGE

April 22, 2019

Senate Bill 67 will interfere with the relationship between patients and their physicians. This unwarranted legislation would create confusion, could be harmful to women's health, and would subject health professionals to criminal penalties for failing to follow a government mandate that is not adequately supported by medical science.

The practice of medicine should be left to licensed health professionals, not elected officials.

Therefore, under Article 2, Sections 14(a) of the Constitution, I hereby veto **Senate Bill 67**.

LAURA KELLY
Governor

ACTION ON VETO MESSAGE

President Wagle announced a veto message from the Governor having been received on April 22, 2019 and read, the time had arrived for consideration.

President Wagle moved **SB 67** be passed notwithstanding the Governor's veto.

SB 67, AN ACT concerning abortion; relating to medication abortions; notification requirements.

On roll call, the vote was: Yeas 27; Nays 13; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Denning, Doll, Estes, Givens, Goddard, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rucker, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Nays: Bollier, Faust-Goudeau, Francisco, Haley, Hardy, Hawk, Hensley, Holland, Miller, Pettey, Skubal, Sykes, Ware.

A two-thirds constitutional majority having voted in favor of overriding the Governor's veto, the motion prevailed and the bill passed.

EXPLANATION OF VOTE

Mr. Vice President: I think that **SB 67** is probably a good bill that deserves consideration. I have enough reservations about this bill that I would feel better if this bill was considered in the 2020 Session. This body is known for its preference to pause and reflect on many bills, and I believe that this bill is in that category.—RANDALL HARDY

ORIGINAL MOTION

President Wagle announced the time had arrived to consider the motion submitted April 5, 2019 in writing by Senator Anthony Hensley, citing Rule 11(b), to withdraw **HB 2066** from the Committee on **Public Health and Welfare** and be placed on the calendar under the heading of **General Orders**.

HB 2066, AN ACT concerning the department of health and environment; establishing the KanCare bridge to a healthy Kansas program; amending K.S.A. 2018 Supp. 40-3213 and repealing the existing section.

On roll call, the vote was: Yeas 23; Nays 13; Present and Passing 4; Absent or Not Voting 0.

Yeas: Berger, Billinger, Bollier, Bowers, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Longbine, McGinn, Miller, Pettey, Rucker, Skubal, Sykes, Taylor, Ware.

Nays: Alley, Braun, Hilderbrand, Kerschen, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle.

Present and Passing: Baumgardner, Denning, Estes, Wilborn.

Pursuant to Senate Rule 11(b) requiring majority vote of 24, the motion failed and **HB 2066** remains in committee.

EXPLANATION OF VOTE

Mr. Vice President: I am voting yes for the welfare mother who finally got a job only to discover that she was not eligible for KanCare, I am voting yes for the 45 year old woman who could not afford to see a physician about a lump on her breast which ultimately metastasized, I am voting yes for the asthmatic child whose parents cannot afford health insurance, I am voting yes for the pregnant woman who was abandoned by her husband and could not afford prenatal care and had a late term miscarriage depriving her of having that son that she wanted, I am voting yes for the millions of dollars of uncompensated care that are being paid for by all of us, I am voting yes for the small rural hospitals that need a life line and my constituents who are overwhelmingly supportive. I vote "YES" for **HB 2066**.—ED BERGER

Senators Billinger, Haley, Hawk, Pettey, Skubal and Taylor request the record to show they concur with the "Explanation of Vote" offered by Senator Berger on **HB 2066**.

Mr. Vice President: Kansans lost today...they lost on the issue of democracy. To be denied over and over the opportunity to hear, work, and ultimately vote on this bill to expand Medicaid is unconscionable. Over 21 Senators support Medicaid expansion, the number needed to pass this bill, yet the process denies us the ability to cast a vote. I find this decision to deny Kansas citizens health care abhorrent.—BARBARA BOLLIER

Senators Haley and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Bollier on **HB 2066**.

Mr. Vice President: I vote yes because I believe transparency and open debate are critical to our democratic process. While this issue deserves to be studied further, it also deserves a timely conversation. Waiting another year does nothing to move good policy forward. My local doctors and hospital experts indicate they are losing \$4.53 million in federal dollars each year – dollars that are intended to ensure our rural communities have access to a local hospital. I look forward to addressing this situation in a way that is effective and efficient for our rural communities.—ELAINE BOWERS

Mr. Vice President: During the break I did extensive research on this issue, and the fact that the most needy are put in line or can be put in line in back of those less needy able-bodied people has drawn me to the conclusion to look at this in the future and examine further what the options are but at this time that is the reason for my vote.—KEVIN BRAUN

Senators Kerschen, Lynn and Petersen request the record to show they concur with the "Explanation of Vote" offered by Senator Braun on **HB 2066**.

Mr. Vice President: Today I vote "PASS." I'm not saying No; I'm saying this policy isn't ready. Since session started, I've been transparent with my district, the media, and the Governor's Office...it is not prudent for this Senate body to support Medicaid Expansion spending plan until we know how the Supreme Court rules on K-12 funding. This Expansion bill was a gut n' go passed by the House and sent to the Senate without

any proper committee hearings or testimony. I have committed to working on a Medicaid plan over the interim in a transparent manner and I believe a modernized present-day bill will be debated on Senate floor early next session. This body should not support policy based on political wins or losses, but rather good sound policy that benefits the State of Kansas and its constituents.—JIM DENNING

Senators Alley, Estes, Goddard, Kerschen, Lynn, Petersen and Wilborn request the record to show they concur with the "Explanation of Vote" offered by Senator Denning on **HB 2066**.

Mr. Vice President: I vote "YES" for **HB 2066** on behalf of Titus Tsimonjela, Isiah Tsimonjela, and Linda Williams.—OLETHA FAUST-GOUDEAU

Mr. Vice President: I vote "AYE" on the motion to withdraw **House Bill 2066** from committee so the full Senate can debate the issue of Medicaid expansion. I want to express my appreciation to my Senate colleagues for voting in favor of this motion. Their willingness to allow for a debate on Medicaid expansion shows they are listening to their constituents who also want that debate. I also express my appreciation to the thousands upon thousands of Kansans who have voiced their support for Medicaid expansion. I was especially moved when I drove into the Statehouse parking garage today to see the three dozen or so Kansans who held up signs in favor of Medicaid expansion. Despite being one vote short of withdrawing **House Bill 2066** from committee, this issue will not go away. We will continue to fight to insure that 130,000 uninsured Kansans will get the access to healthcare they deserve.—ANTHONY HENSLEY

Mr. Vice President: I vote "YES" and would like to explain my vote. This has been a very difficult discussion for me not because I do not believe in expansion but because of the difficult process we have had to go through just to advance expansion forward. Because of the overwhelming response I have received from my constituents from my district as well as the Newton and Wichita Chambers of Commerce. In addition to trying to listen to my constituents, I have fiduciary responsibility as a hospital board member to support policy that helps my rural hospital survive. Our state has lost over 3 billion federal dollars by not expanding. We need to bring our federal dollars back home. I have faith in our Health and Public Policy Chair that he will lead this process to work on policy so we will have a good product to debate next year.—CAROLYN MCGINN

Senator Goddard requests the record to show he concurs with the "Explanation of Vote" offered by Senator McGinn on **HB 2066**.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2167**.
Announcing adoption of **SCR 1612**.

On motion of Senator Denning, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with Senator Longbine in the chair.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1740—

A RESOLUTION congratulating and commending the Olathe Northwest High School Raven Dance Team for winning the 2019 National Dance Alliance High School National Championship.

WHEREAS, On February 24, 2019, the Olathe Northwest High School Raven Dance Team was named Grand National Champions at the National Dance Alliance (NDA) High School Nationals held in Orlando, Florida. At the competition, the team competed against some of the most talented high school dance teams from across the country and around the world; and

WHEREAS, The team, for the first time in NDA National Championship history, made a clean sweep of the awards and brought home the gold in Team Performance, Pom, and Jazz. The team was crowned Grand National Champions for earning the highest average score of the competition; and

WHEREAS, With these new wins, the Raven Dance Team now has 15 National Championship titles; and

WHEREAS, The team's jazz performance was in honor of, and a beautiful tribute to, their classmate, Landon Daniel, who was killed in a tragic car accident last summer; and

WHEREAS, The Raven Dance Team consists of 27 varsity members and an active junior varsity team, led by Head Coach Shannon Summers and Assistant Coaches Alison Krumbiegel and McKenzie Mispagel. The dedicated and talented young dancers strive to represent Olathe Northwest High School in a positive and spirited manner; and

WHEREAS, Varsity members perform at various school and community events and practice five days a week, for up to two hours per day, to prepare for games and other performances; and

WHEREAS, During football season, the team doubles as a color guard, performing at halftime with the band. In addition to their tremendous dance skills, they have received top scores and awards for their performances as a color guard; and

WHEREAS, Each January, the varsity team competes in two regional competitions against other Midwest high school dance teams in various categories, including jazz, hip-hop, team performance, lyrical, novelty, and pom, in order to earn a spot at the national competition held in late February; and

WHEREAS, Members of the varsity team are: Mia Barkyoumb, Avery Boland, Maleah Boyd, Samantha Clark, Ava Clayton, Mady Cole, Kennedy Dyro, Kirstyn Gaupp, Bailey Haines, Megan Kiebusch, Maddie Lowen, Claire Maddox, Brooke Mason, Sydney Morse, Alex Privat, Grace Rasmussen, Rose Rasmussen, Kaitlyn Rose, Maddy Samuelson, Lauren Sanford, Haley Scalabrin, Ellie Smajda, Layne Steffen, Emma Thelen, Olivia Thomas, Carley Uhl, and Olivia Whitenack; and

WHEREAS, The junior varsity team was established in 2010, and, similar to the varsity team, performs special guest routines at various school and community events and practices, four days per week, for up to two hours per day. The junior varsity team also competes in two regional competitions each January; and

WHEREAS, To prepare for their regional and national competitions, the teams sacrifice part of their winter break and weekends for extra practice. These teams work hard each year to maintain their tradition of success; and

WHEREAS, The team members' character, sportsmanship, and love shine through on

the stage as much as their technical execution and synchronization. Their experience on the team teaches powerful life lessons of hard work, dedication, and confidence: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Olathe Northwest High School Raven Dance Team, their coaches, parents and family members, administrators, faculty, and Olathe Northwest for the team's National Championship title win, and we wish them continued success; and

Be it further resolved: That the Secretary of the Senate shall send 30 enrolled copies of this resolution to Senator Lynn.

On emergency motion of Senator Lynn **SR 1740** was adopted unanimously.

ORIGINAL MOTION

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 18, SB 20, SB 63; HB 2290.**

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 18** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 1, in line 6 by inserting:

"WHEREAS, the provisions of K.S.A. 2018 Supp. 21-5405 and 21-5602, as amended by this act, shall be known as Mireya's law.

Now, therefore:";

Also on page 1, in line 8, before "K.S.A" by inserting "On and after July 1, 2019,"; in line 30, before "K.S.A" by inserting "On and after July 1, 2019,";

On page 3, in line 33, before "K.S.A" by inserting "On and after July 1, 2019,";

On page 4, in line 1, before "K.S.A" by inserting "On and after July 1, 2019,";

On page 6, following line 36, by inserting:

"Sec. 5. On and after July 1, 2019, K.S.A. 2018 Supp. 21-5405 is hereby amended to read as follows: 21-5405. (a) Involuntary manslaughter is the killing of a human being committed:

(1) Recklessly;

(2) in the commission of, or attempt to commit, or flight from any felony, other than an inherently dangerous felony as defined in K.S.A. 2018 Supp. 21-5402, and amendments thereto, that is enacted for the protection of human life or safety or a misdemeanor that is enacted for the protection of human life or safety, including acts described in K.S.A. 8-1566 and 8-1568(a), and amendments thereto, but excluding the acts described in K.S.A. 8-1567, and amendments thereto;

(3) in the commission of, or attempt to commit, or flight from an act described in K.S.A. 8-1567, and amendments thereto;

(4) during the commission of a lawful act in an unlawful manner; or

(5) in the commission of, or attempt to commit, or flight from an act described in K.S.A. 8-1567, and amendments thereto, while:

(A) In violation of any restriction imposed on such person's driving privileges

pursuant to article 10 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto;

(B) such person's driving privileges are suspended or revoked pursuant to article 10 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto; or

(C) such person has been deemed a habitual violator as defined in K.S.A. 8-285, and amendments thereto, including at least one violation of K.S.A. 8-1567, and amendments thereto, or violating an ordinance of any city in this state, any resolution of any county in this state or any law of another state, which ordinance, resolution or law declares to be unlawful the acts prohibited by that statute.

(b) Involuntary manslaughter as defined in:

(1) Subsection (a)(1), (a)(2) or (a)(4) is a:

(A) Severity level 5, person felony, except as provided in subsection (b)(1)(B); and

(B) severity level 3, person felony, if the victim is under the age of six years;

(2) subsection (a)(3) is a severity level 4, person felony; and

(3) subsection (a)(5) is a severity level 3, person felony.

Sec. 6. On and after July 1, 2019, K.S.A. 2018 Supp. 21-5602 is hereby amended to read as follows: 21-5602. (a) Abuse of a child is knowingly:

(1) Torturing or cruelly beating any child under the age of 18 years;

(2) shaking any child under the age of 18 years which results in great bodily harm to the child; or

(3) inflicting cruel and inhuman corporal punishment upon any child under the age of 18 years.

(b) Abuse of a child is a:

(1) Severity level 5, person felony, except as provided in subsection (b)(2); and

(2) severity level 4, person felony, if the victim is under the age of six years.

(c) A person who violates the provisions of this section may also be prosecuted for, convicted of, and punished for any form of battery or homicide.

Sec. 7. On and after July 1, 2019, K.S.A. 2018 Supp. 21-6815 is hereby amended to read as follows: 21-6815. (a) Except as provided in subsection (b), the sentencing judge shall impose the presumptive sentence provided by the sentencing guidelines unless the judge finds substantial and compelling reasons to impose a departure sentence. If the sentencing judge departs from the presumptive sentence, the judge shall state on the record at the time of sentencing the substantial and compelling reasons for the departure.

(b) Subject to the provisions of K.S.A. 2018 Supp. 21-6817(b), and amendments thereto, any fact that would increase the penalty for a crime beyond the statutory maximum, other than a prior conviction, shall be submitted to a jury and proved beyond a reasonable doubt.

(c) (1) Subject to the provisions of subsections (c)(3) and (e), the following nonexclusive list of mitigating factors may be considered in determining whether substantial and compelling reasons for a departure exist:

(A) The victim was an aggressor or participant in the criminal conduct associated with the crime of conviction, except that this factor shall not apply to a sexually violent crime as defined in K.S.A. 22-3717, and amendments thereto, or electronic solicitation as defined in K.S.A. 2018 Supp. 21-5509, and amendments thereto, when: (i) The victim is less than 14 years of age and the offender is 18 or more years of age; or (ii) the offender hires any person by giving, or offering to or agreeing to give, anything of value

to the person to engage in an unlawful sex act.

(B) The offender played a minor or passive role in the crime or participated under circumstances of duress or compulsion. This factor may be considered when it is not sufficient as a complete defense.

(C) The offender, because of physical or mental impairment, lacked substantial capacity for judgment when the offense was committed. The voluntary use of intoxicants, drugs or alcohol does not fall within the purview of this factor.

(D) The defendant, or the defendant's children, suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(E) The degree of harm or loss attributed to the current crime of conviction was significantly less than typical for such an offense.

(F) The offender committed such crime as a result of an injury, including major depressive disorder, polytrauma, post-traumatic stress disorder or traumatic brain injury, connected to service in a combat zone, as defined in section 112 of the federal internal revenue code of 1986, in the armed forces of the United States of America. As used in this subsection, "major depressive disorder," "polytrauma," "post-traumatic stress disorder" and "traumatic brain injury" shall mean the same as such terms are defined in K.S.A. 2018 Supp. 21-6630, and amendments thereto.

(2) Subject to the provisions of subsection (c)(3), the following nonexclusive list of aggravating factors may be considered in determining whether substantial and compelling reasons for departure exist:

(A) The victim was particularly vulnerable due to age, infirmity, or reduced physical or mental capacity which was known or should have been known to the offender.

(B) The defendant's conduct during the commission of the current offense manifested excessive brutality to the victim in a manner not normally present in that offense.

(C) The offense was motivated entirely or in part by the race, color, religion, ethnicity, national origin or sexual orientation of the victim or the offense was motivated by the defendant's belief or perception, entirely or in part, of the race, color, religion, ethnicity, national origin or sexual orientation of the victim whether or not the defendant's belief or perception was correct.

(D) The offense involved a fiduciary relationship which existed between the defendant and the victim.

(E) The defendant, 18 or more years of age, employed, hired, used, persuaded, induced, enticed or coerced any individual under 16 years of age to:

- (i) Commit any person felony;
- (ii) assist in avoiding detection or apprehension for commission of any person felony; or
- (iii) attempt, conspire or solicit, as defined in K.S.A. 2018 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, to commit any person felony.

That the defendant did not know the age of the individual under 16 years of age shall not be a consideration.

(F) The defendant's current crime of conviction is a crime of extreme sexual violence and the defendant is a predatory sex offender. As used in this subsection:

- (i) "Crime of extreme sexual violence" is a felony limited to the following:

(a) A crime involving a nonconsensual act of sexual intercourse or sodomy with any person;

(b) a crime involving an act of sexual intercourse, sodomy or lewd fondling and touching with any child who is 14 or more years of age but less than 16 years of age and with whom a relationship has been established or promoted for the primary purpose of victimization;

(c) a crime involving an act of sexual intercourse, sodomy or lewd fondling and touching with any child who is less than 14 years of age;

(d) aggravated human trafficking, as defined in K.S.A. 2018 Supp. 21-5426(b), and amendments thereto, if the victim is less than 14 years of age; or

(e) commercial sexual exploitation of a child, as defined in K.S.A. 2018 Supp. 21-6422, and amendments thereto, if the victim is less than 14 years of age.

(ii) "Predatory sex offender" is an offender who has been convicted of a crime of extreme sexual violence as the current crime of conviction and who:

(a) Has one or more prior convictions of any crimes of extreme sexual violence. Any prior conviction used to establish the defendant as a predatory sex offender pursuant to this subsection shall also be counted in determining the criminal history category; or

(b) suffers from a mental condition or personality disorder which makes the offender likely to engage in additional acts constituting crimes of extreme sexual violence.

(iii) "Mental condition or personality disorder" means an emotional, mental or physical illness, disease, abnormality, disorder, pathology or condition which motivates the person, affects the predisposition or desires of the person, or interferes with the capacity of the person to control impulses to commit crimes of extreme sexual violence.

(G) The defendant was incarcerated during the commission of the offense.

(H) The crime involved two or more participants in the criminal conduct, and the defendant played a major role in the crime as the organizer, leader, recruiter, manager or supervisor.

In determining whether aggravating factors exist as provided in this section, the court shall review the victim impact statement.

(3) If a factual aspect of a crime is a statutory element of the crime or is used to subclassify the crime on the crime severity scale, that aspect of the current crime of conviction may be used as an aggravating or mitigating factor only if the criminal conduct constituting that aspect of the current crime of conviction is significantly different from the usual criminal conduct captured by the aspect of the crime.

(d) In determining aggravating or mitigating circumstances, the court shall consider:

(1) Any evidence received during the proceeding;

(2) the presentence report;

(3) written briefs and oral arguments of either the state or counsel for the defendant; and

(4) any other evidence relevant to such aggravating or mitigating circumstances that the court finds trustworthy and reliable.

(e) Upon motion of the prosecutor stating that the defendant has provided substantial assistance in the investigation or prosecution of another person who is alleged to have committed an offense, the court may consider such mitigation in

determining whether substantial and compelling reasons for a departure exist. In considering this mitigating factor, the court may consider the following:

(1) The court's evaluation of the significance and usefulness of the defendant's assistance, taking into consideration the prosecutor's evaluation of the assistance rendered;

(2) the truthfulness, completeness and reliability of any information or testimony provided by the defendant;

(3) the nature and extent of the defendant's assistance;

(4) any injury suffered, or any danger or risk of injury to the defendant or the defendant's family resulting from such assistance; and

(5) the timeliness of the defendant's assistance.

Sec. 8. On and after July 1, 2019, K.S.A. 2018 Supp. 21-6604 is hereby amended to read as follows: 21-6604. (a) Whenever any person has been found guilty of a crime, the court may adjudge any of the following:

(1) Commit the defendant to the custody of the secretary of corrections if the current crime of conviction is a felony and the sentence presumes imprisonment, or the sentence imposed is a dispositional departure to imprisonment; or, if confinement is for a misdemeanor, to jail for the term provided by law;

(2) impose the fine applicable to the offense and may impose the provisions of subsection (q);

(3) release the defendant on probation if the current crime of conviction and criminal history fall within a presumptive nonprison category or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate. In felony cases except for violations of K.S.A. 8-1567 or 8-2,144, and amendments thereto, the court may include confinement in a county jail not to exceed 60 days, which need not be served consecutively, as a condition of an original probation sentence;

(4) assign the defendant to a community correctional services program as provided in K.S.A. 75-5291, and amendments thereto, or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate, including orders requiring full or partial restitution;

(5) assign the defendant to a conservation camp for a period not to exceed six months as a condition of probation followed by a six-month period of follow-up through adult intensive supervision by a community correctional services program, if the offender successfully completes the conservation camp program;

(6) assign the defendant to a house arrest program pursuant to K.S.A. 2018 Supp. 21-6609, and amendments thereto;

(7) order the defendant to attend and satisfactorily complete an alcohol or drug education or training program as provided by K.S.A. 2018 Supp. 21-6602(c), and amendments thereto;

(8) order the defendant to repay the amount of any reward paid by any crime stoppers chapter, individual, corporation or public entity ~~which that~~ materially aided in the apprehension or conviction of the defendant; repay the amount of any costs and expenses incurred by any law enforcement agency in the apprehension of the defendant, if one of the current crimes of conviction of the defendant includes escape from custody or aggravated escape from custody, as defined in K.S.A. 2018 Supp. 21-5911, and amendments thereto; repay expenses incurred by a fire district, fire department or fire

company responding to a fire ~~which that~~ has been determined to be arson or aggravated arson as defined in K.S.A. 2018 Supp. 21-5812, and amendments thereto, if the defendant is convicted of such crime; repay the amount of any public funds utilized by a law enforcement agency to purchase controlled substances from the defendant during the investigation ~~which that~~ leads to the defendant's conviction; or repay the amount of any medical costs and expenses incurred by any law enforcement agency or county. Such repayment of the amount of any such costs and expenses incurred by a county, law enforcement agency, fire district, fire department or fire company or any public funds utilized by a law enforcement agency shall be deposited and credited to the same fund from which the public funds were credited to prior to use by the county, law enforcement agency, fire district, fire department or fire company;

(9) order the defendant to pay the administrative fee authorized by K.S.A. 22-4529, and amendments thereto, unless waived by the court;

(10) order the defendant to pay a domestic violence special program fee authorized by K.S.A. 20-369, and amendments thereto;

(11) if the defendant is convicted of a misdemeanor or convicted of a felony specified in K.S.A. 2018 Supp. 21-6804(i), and amendments thereto, assign the defendant to work release program, other than a program at a correctional institution under the control of the secretary of corrections as defined in K.S.A. 75-5202, and amendments thereto, provided such work release program requires such defendant to return to confinement at the end of each day in the work release program. On a second or subsequent conviction of K.S.A. 8-1567, and amendments thereto, an offender placed into a work release program shall serve the total number of hours of confinement mandated by that section;

(12) order the defendant to pay the full amount of unpaid costs associated with the conditions of release of the appearance bond under K.S.A. 22-2802, and amendments thereto;

(13) impose any appropriate combination of (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11) and (12); or

(14) suspend imposition of sentence in misdemeanor cases.

(b) (1) In addition to or in lieu of any of the above, the court shall order the defendant to pay restitution, which shall include, but not be limited to, damage or loss caused by the defendant's crime, unless the court finds compelling circumstances ~~which that~~ would render a plan of restitution unworkable. In regard to a violation of K.S.A. 2018 Supp. 21-6107, and amendments thereto, such damage or loss shall include, but not be limited to, attorney fees and costs incurred to repair the credit history or rating of the person whose personal identification documents were obtained and used in violation of such section, and to satisfy a debt, lien or other obligation incurred by the person whose personal identification documents were obtained and used in violation of such section. In regard to a violation of K.S.A. 2018 Supp. 21-5801, 21-5807 or 21-5813, and amendments thereto, such damage or loss shall include the cost of repair or replacement of the property that was damaged, the reasonable cost of any loss of production, crops and livestock, reasonable labor costs of any kind, reasonable material costs of any kind and any reasonable costs that are attributed to equipment that is used to abate or repair the damage to the property. If the court finds a plan of restitution unworkable, the court shall state on the record in detail the reasons therefor.

(2) If the court orders restitution, the restitution shall be a judgment against the

defendant, which may be collected by the court by garnishment or other execution as on judgments in civil cases. If, after 60 days from the date restitution is ordered by the court, a defendant is found to be in noncompliance with the plan established by the court for payment of restitution, and the victim to whom restitution is ordered paid has not initiated proceedings in accordance with K.S.A. 60-4301 et seq., and amendments thereto, the court shall assign an agent procured by the attorney general pursuant to K.S.A. 75-719, and amendments thereto, to collect the restitution on behalf of the victim. The chief judge of each judicial district may assign such cases to an appropriate division of the court for the conduct of civil collection proceedings.

(c) In addition to or in lieu of any of the above, the court shall order the defendant to submit to and complete an alcohol and drug evaluation, and pay a fee therefor, when required by K.S.A. 2018 Supp. 21-6602(d), and amendments thereto.

(d) In addition to any of the above, the court shall order the defendant to reimburse the county general fund for all or a part of the expenditures by the county to provide counsel and other defense services to the defendant. Any such reimbursement to the county shall be paid only after any order for restitution has been paid in full. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court ~~which that~~ sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.

(e) In releasing a defendant on probation, the court shall direct that the defendant be under the supervision of a court services officer. If the court commits the defendant to the custody of the secretary of corrections or to jail, the court may specify in its order the amount of restitution to be paid and the person to whom it shall be paid if restitution is later ordered as a condition of parole, conditional release or postrelease supervision.

(f) (1) When a new felony is committed while the offender is incarcerated and serving a sentence for a felony, or while the offender is on probation, assignment to a community correctional services program, parole, conditional release or postrelease supervision for a felony, a new sentence shall be imposed consecutively pursuant to the provisions of K.S.A. 2018 Supp. 21-6606, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(2) When a new felony is committed during a period of time ~~during which when~~ the defendant would have been on probation, assignment to a community correctional services program, parole, conditional release or postrelease supervision for a felony had the defendant not been granted release by the court pursuant to K.S.A. 2018 Supp. 21-6608(d), and amendments thereto, or the prisoner review board pursuant to K.S.A. 22-3717, and amendments thereto, the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(3) When a new felony is committed while the offender is incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-1671, prior to its repeal, or K.S.A. 2018 Supp. 38-2373, and amendments thereto, for an offense, which if committed by an adult would constitute the commission of a felony, upon conviction, the court shall sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure. The conviction shall operate as a full and complete discharge from any obligations, except for an order of restitution, imposed on the offender arising from the offense for which the offender was committed to a juvenile correctional facility.

(4) When a new felony is committed while the offender is on release for a felony pursuant to the provisions of article 28 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto, or similar provisions of the laws of another jurisdiction, a new sentence may be imposed consecutively pursuant to the provisions of K.S.A. 2018 Supp. 21-6606, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(g) Prior to imposing a dispositional departure for a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid, prior to sentencing a defendant to incarceration whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes committed prior to July 1, 2012, or in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug crimes committed on or after July 1, 2012, prior to sentencing a defendant to incarceration whose offense is classified in grid blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of the sentencing guidelines grid for drug crimes committed on or after July 1, 2012, and whose offense does not meet the requirements of K.S.A. 2018 Supp. 21-6824, and amendments thereto, prior to revocation of a nonprison sanction of a defendant whose offense is classified in grid blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of the sentencing guidelines grid for drug crimes committed on or after July 1, 2012, and whose offense does not meet the requirements of K.S.A. 2018 Supp. 21-6824, and amendments thereto, or prior to revocation of a nonprison sanction of a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid or grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes committed prior to July 1, 2012, or in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug crimes committed on or after July 1, 2012, the court shall consider placement of the defendant in the Labette correctional conservation camp, conservation camps established by the secretary of corrections pursuant to K.S.A. 75-52,127, and amendments thereto, or a community intermediate sanction center. Pursuant to this subsection the defendant shall not be sentenced to imprisonment if space is available in a conservation camp or community intermediate sanction center and the defendant meets all of the conservation camp's or community intermediate sanction center's

placement criteria unless the court states on the record the reasons for not placing the defendant in a conservation camp or community intermediate sanction center.

(h) In committing a defendant to the custody of the secretary of corrections, the court shall fix a term of confinement within the limits provided by law. In those cases where the law does not fix a term of confinement for the crime for which the defendant was convicted, the court shall fix the term of such confinement.

(i) In addition to any of the above, the court shall order the defendant to reimburse the state general fund for all or part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the defendant. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court ~~which that~~ sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment. The amount of attorney fees to be included in the court order for reimbursement shall be the amount claimed by appointed counsel on the payment voucher for indigents' defense services or the amount prescribed by the board of indigents' defense services reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less.

(j) This section shall not deprive the court of any authority conferred by any other Kansas statute to decree a forfeiture of property, suspend or cancel a license, remove a person from office or impose any other civil penalty as a result of conviction of crime.

(k) An application for or acceptance of probation or assignment to a community correctional services program shall not constitute an acquiescence in the judgment for purpose of appeal, and any convicted person may appeal from such conviction, as provided by law, without regard to whether such person has applied for probation, suspended sentence or assignment to a community correctional services program.

(l) The secretary of corrections is authorized to make direct placement to the Labette correctional conservation camp or a conservation camp established by the secretary pursuant to K.S.A. 75-52,127, and amendments thereto, of an inmate sentenced to the secretary's custody if the inmate:

(1) Has been sentenced to the secretary for a probation revocation, as a departure from the presumptive nonimprisonment grid block of either sentencing grid, for an offense ~~which that~~ is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes committed prior to July 1, 2012, in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug crimes committed on or after July 1, 2012, or for an offense ~~which that~~ is classified in grid blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of the sentencing guidelines grid for drug crimes committed on or after July 1, 2012, and such offense does not meet the requirements of K.S.A. 2018 Supp. 21-6824, and amendments thereto; and

(2) otherwise meets admission criteria of the camp.

If the inmate successfully completes a conservation camp program, the secretary of

corrections shall report such completion to the sentencing court and the county or district attorney. The inmate shall then be assigned by the court to six months of follow-up supervision conducted by the appropriate community corrections services program. The court may also order that supervision continue thereafter for the length of time authorized by K.S.A. 2018 Supp. 21-6608, and amendments thereto.

(m) When it is provided by law that a person shall be sentenced pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, the provisions of this section shall not apply.

(n) (1) Except as provided by K.S.A. 2018 Supp. 21-6630 and 21-6805(f), and amendments thereto, in addition to any of the above, for felony violations of K.S.A. 2018 Supp. 21-5706, and amendments thereto, the court shall require the defendant who meets the requirements established in K.S.A. 2018 Supp. 21-6824, and amendments thereto, to participate in a certified drug abuse treatment program, as provided in K.S.A. 2018 Supp. 75-52,144, and amendments thereto, including, but not limited to, an approved after-care plan. The amount of time spent participating in such program shall not be credited as service on the underlying prison sentence.

(2) If the defendant fails to participate in or has a pattern of intentional conduct that demonstrates the defendant's refusal to comply with or participate in the treatment program, as established by judicial finding, the defendant shall be subject to sanction or revocation pursuant to the provisions of K.S.A. 22-3716, and amendments thereto. If the defendant's probation is revoked, the defendant shall serve the underlying prison sentence as established in K.S.A. 2018 Supp. 21-6805, and amendments thereto.

(A) Except as provided in subsection (n)(2)(B), for those offenders who are convicted on or after July 1, 2003, but prior to July 1, 2013, upon completion of the underlying prison sentence, the offender shall not be subject to a period of postrelease supervision.

(B) Offenders whose crime of conviction was committed on or after July 1, 2013, and whose probation is revoked pursuant to K.S.A. 22-3716(c), and amendments thereto, or whose underlying prison term expires while serving a sanction pursuant to K.S.A. 22-3716(c)(1)(~~C~~) or (c)(1)(~~D~~), and amendments thereto, shall serve a period of postrelease supervision upon the completion of the underlying prison term.

(o) (1) Except as provided in paragraph (3), in addition to any other penalty or disposition imposed by law, upon a conviction for unlawful possession of a controlled substance or controlled substance analog in violation of K.S.A. 2018 Supp. 21-5706, and amendments thereto, in which the trier of fact makes a finding that the unlawful possession occurred while transporting the controlled substance or controlled substance analog in any vehicle upon a highway or street, the offender's driver's license or privilege to operate a motor vehicle on the streets and highways of this state shall be suspended for one year.

(2) Upon suspension of a license pursuant to this subsection, the court shall require the person to surrender the license to the court, which shall transmit the license to the division of motor vehicles of the department of revenue, to be retained until the period of suspension expires. At that time, the licensee may apply to the division for return of the license. If the license has expired, the person may apply for a new license, which shall be issued promptly upon payment of the proper fee and satisfaction of other conditions established by law for obtaining a license unless another suspension or revocation of the person's privilege to operate a motor vehicle is in effect.

(3) (A) In lieu of suspending the driver's license or privilege to operate a motor

vehicle on the highways of this state of any person as provided in paragraph (1), the judge of the court in which such person was convicted may enter an order ~~which~~ that places conditions on such person's privilege of operating a motor vehicle on the highways of this state, a certified copy of which such person shall be required to carry any time such person is operating a motor vehicle on the highways of this state. Any such order shall prescribe the duration of the conditions imposed, which in no event shall be for a period of more than one year.

(B) Upon entering an order restricting a person's license hereunder, the judge shall require such person to surrender such person's driver's license to the judge who shall cause it to be transmitted to the division of vehicles, together with a copy of the order. Upon receipt thereof, the division of vehicles shall issue without charge a driver's license, which shall indicate on its face that conditions have been imposed on such person's privilege of operating a motor vehicle and that a certified copy of the order imposing such conditions is required to be carried by the person for whom the license was issued any time such person is operating a motor vehicle on the highways of this state. If the person convicted is a nonresident, the judge shall cause a copy of the order to be transmitted to the division and the division shall forward a copy of it to the motor vehicle administrator of such person's state of residence. Such judge shall furnish to any person whose driver's license has had conditions imposed on it under this paragraph a copy of the order, which shall be recognized as a valid Kansas driver's license until such time as the division shall issue the restricted license provided for in this paragraph.

(C) Upon expiration of the period of time for which conditions are imposed pursuant to this subsection, the licensee may apply to the division for the return of the license previously surrendered by such licensee. In the event such license has expired, such person may apply to the division for a new license, which shall be issued immediately by the division upon payment of the proper fee and satisfaction of the other conditions established by law, unless such person's privilege to operate a motor vehicle on the highways of this state has been suspended or revoked prior thereto. If any person shall violate any of the conditions imposed under this paragraph, such person's driver's license or privilege to operate a motor vehicle on the highways of this state shall be revoked for a period of not less than 60 days nor more than one year by the judge of the court in which such person is convicted of violating such conditions.

(4) As used in this subsection, "highway" and "street" mean the same as in K.S.A. 8-1424 and 8-1473, and amendments thereto.

(p) In addition to any of the above, for any criminal offense that includes the domestic violence designation pursuant to K.S.A. 2018 Supp. 22-4616, and amendments thereto, the court shall require the defendant to: (1) Undergo a domestic violence offender assessment conducted by a certified batterer intervention program; and (2) follow all recommendations made by such program, unless otherwise ordered by the court or the department of corrections. The court may order a domestic violence offender assessment and any other evaluation prior to sentencing if the assessment or evaluation would assist the court in determining an appropriate sentence. The entity completing the assessment or evaluation shall provide the assessment or evaluation and recommendations to the court and the court shall provide the domestic violence offender assessment to any entity responsible for supervising such defendant. A defendant ordered to undergo a domestic violence offender assessment shall be required to pay for the assessment and, unless otherwise ordered by the court or the department

of corrections, for completion of all recommendations.

(q) In imposing a fine, the court may authorize the payment thereof in installments. In lieu of payment of any fine imposed, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed by the later of one year after the fine is imposed or one year after release from imprisonment or jail, or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance shall become due on that date. If conditional reduction of any fine is rescinded by the court for any reason, then pursuant to the court's order the person may be ordered to perform community service by one year after the date of such rescission or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date. All credits for community service shall be subject to review and approval by the court.

(r) In addition to any other penalty or disposition imposed by law, for any defendant sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or K.S.A. 2018 Supp. 21-6627, and amendments thereto, for crimes committed on or after July 1, 2006, the court shall order that the defendant be electronically monitored upon release from imprisonment for the duration of the defendant's natural life and that the defendant shall reimburse the state for all or part of the cost of such monitoring as determined by the prisoner review board.

(s) Whenever the court has released the defendant on probation pursuant to subsection (a)(3), the defendant's supervising court services officer, with the concurrence of the chief court services officer, may impose the violation sanctions as provided in K.S.A. 22-3716(c)(1)(B), and amendments thereto, without further order of the court, unless: ~~(1) The court has specifically withheld this authority in its sentencing order; or~~

~~(2) the defendant, after being apprised of the right to a revocation hearing before the court pursuant to K.S.A. 22-3716(b), and amendments thereto, refuses to waive such right.~~

(t) Whenever the court has assigned the defendant to a community correctional services program pursuant to subsection (a)(4), the defendant's community corrections officer, with the concurrence of the community corrections director, may impose the violation sanctions as provided in K.S.A. 22-3716(c)(1)(B), and amendments thereto, without further order of the court unless:

~~(1) The court has specifically withheld this authority in its sentencing order; or~~

~~(2) the defendant, after being apprised of the right to a revocation hearing before the court pursuant to K.S.A. 22-3716(b), and amendments thereto, refuses to waive such right.~~

(u) In addition to any of the above, the court shall authorize an additional 18 days of confinement in a county jail to be reserved for sanctions as set forth in K.S.A. 22-3716(b)(3)(B), (b)(4) or (c)(1)(B), and amendments thereto.

Sec. 9. On and after July 1, 2019, K.S.A. 2018 Supp. 21-6824 is hereby amended to read as follows: 21-6824. (a) There is hereby established a nonprison sanction of

certified drug abuse treatment programs for certain offenders who are sentenced on or after November 1, 2003. Placement of offenders in certified drug abuse treatment programs by the court shall be limited to placement of adult offenders, convicted of a felony violation of K.S.A. 2018 Supp. 21-5705 or 21-5706, and amendments thereto, whose offense is classified in grid blocks:

(1) 5-C, 5-D, 5-E, 5-F, 5-G, 5-H or 5-I of the sentencing guidelines grid for drug crimes and such offender has no felony conviction of K.S.A. 65-4142, 65-4159, 65-4161, 65-4163 or 65-4164, prior to their repeal, K.S.A. 2010 Supp. 21-36a03, 21-36a05 or 21-36a16, prior to their transfer, or K.S.A. 2018 Supp. 21-5703, 21-5705 or 21-5716, and amendments thereto, or any substantially similar offense from another jurisdiction; or

(2) 5-A, 5-B, 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug crimes, such offender has no felony conviction of K.S.A. 65-4142, 65-4159, 65-4161, 65-4163 or 65-4164, prior to their repeal, K.S.A. 2010 Supp. 21-36a03, 21-36a05 or 21-36a16, prior to their transfer, or K.S.A. 2018 Supp. 21-5703, 21-5705 or 21-5716, and amendments thereto, or any substantially similar offense from another jurisdiction, if the person felonies in the offender's criminal history were severity level 8, 9 or 10 or nongrid offenses of the sentencing guidelines grid for nondrug crimes, and the court finds and sets forth with particularity the reasons for finding that the safety of the members of the public will not be jeopardized by such placement in a drug abuse treatment program.

(b) As a part of the presentence investigation pursuant to K.S.A. 2018 Supp. 21-6813, and amendments thereto, offenders who meet the requirements of subsection (a), unless otherwise specifically ordered by the court, shall be subject to:

(1) A drug abuse assessment which shall include a clinical interview with a mental health professional and a recommendation concerning drug abuse treatment for the offender; and

(2) a criminal risk-need assessment. The criminal risk-need assessment shall assign a high or low risk status to the offender.

(c) If the offender is assigned a high risk status as determined by the drug abuse assessment performed pursuant to subsection (b)(1) and a moderate or high risk status as determined by the criminal risk-need assessment performed pursuant to subsection (b)(2), the sentencing court shall commit the offender to treatment in a drug abuse treatment program until the court determines the offender is suitable for discharge by the court. The term of treatment shall not exceed 18 months. The court may extend the term of probation, pursuant to K.S.A. 2018 Supp. 21-6608(c)(3), and amendments thereto. The term of treatment may not exceed the term of probation.

(d)(1) Offenders who are committed to a drug abuse treatment program pursuant to subsection (c) shall be supervised by community correctional services.

(2) Offenders who are not committed to a drug abuse treatment program pursuant to subsection (c) shall be supervised by community correctional services or court services based on the result of the criminal risk assessment.

(e) Placement of offenders under subsection (a)(2) shall be subject to the departure sentencing statutes of the revised Kansas sentencing guidelines act.

(f)(1) Offenders in drug abuse treatment programs shall be discharged from such program if the offender:

(A) Is convicted of a new felony; or

(B) has a pattern of intentional conduct that demonstrates the offender's refusal to comply with or participate in the treatment program, as established by judicial finding.

(2) Offenders who are discharged from such program shall be subject to the revocation provisions of K.S.A. 2018 Supp. 21-6604(n), and amendments thereto.

(g) As used in this section, "mental health professional" includes licensed social workers, persons licensed to practice medicine and surgery, licensed psychologists, licensed professional counselors or registered alcohol and other drug abuse counselors licensed or certified as addiction counselors who have been certified by the secretary of corrections to treat offenders pursuant to K.S.A. 2018 Supp. 75-52,144, and amendments thereto.

(h) (1) Offenders who meet the requirements of subsection (a) shall not be subject to the provisions of this section and shall be sentenced as otherwise provided by law, if such offenders:

(A) Are residents of another state and are returning to such state pursuant to the interstate corrections compact or the interstate compact for adult offender supervision; or

(B) are not lawfully present in the United States and being detained for deportation; or

(C) do not meet the risk assessment levels provided in subsection (c).

(2) Such sentence shall not be considered a departure and shall not be subject to appeal.

(i) The court may order an offender who otherwise does not meet the requirements of subsection (c) to undergo one additional drug abuse assessment while such offender is on probation. Such offender may be ordered to undergo drug abuse treatment pursuant to subsection (a) if such offender is determined to meet the requirements of subsection (c). The cost of such assessment shall be paid by such offender.

Sec. 10. On and after July 1, 2019, K.S.A. 2018 Supp. 22-3716 is hereby amended to read as follows: 22-3716. (a) At any time during probation, assignment to a community correctional services program, suspension of sentence or pursuant to subsection (e) for defendants who committed a crime prior to July 1, 1993, and at any time ~~during which~~ when a defendant is serving a nonprison sanction for a crime committed on or after July 1, 1993, or pursuant to subsection (e), the court may issue a warrant for the arrest of a defendant for violation of any of the conditions of release or assignment, a notice to appear to answer to a charge of violation or a violation of the defendant's nonprison sanction. The notice shall be personally served upon the defendant. The warrant shall authorize all officers named in the warrant to return the defendant to the custody of the court or to any certified detention facility designated by the court. Any court services officer or community correctional services officer may arrest the defendant without a warrant or may deputize any other officer with power of arrest to do so by giving the officer a written or verbal statement setting forth that the defendant has, in the judgment of the court services officer or community correctional services officer, violated the conditions of the defendant's release or a nonprison sanction. A written statement delivered to the official in charge of a county jail or other place of detention shall be sufficient warrant for the detention of the defendant. After making an arrest, the court services officer or community correctional services officer shall present to the detaining authorities a similar statement of the circumstances of violation. Provisions regarding release on bail of persons charged with a crime shall be

applicable to defendants arrested under these provisions.

(b) (1) Upon arrest and detention pursuant to subsection (a), the court services officer or community correctional services officer shall immediately notify the court and shall submit in writing a report showing in what manner the defendant has violated the conditions of release or assignment or a nonprison sanction.

(2) Unless the defendant, after being apprised of the right to a hearing by the supervising court services or community correctional services officer, waives such hearing, the court shall cause the defendant to be brought before it without unnecessary delay for a hearing on the violation charged. The hearing shall be in open court and the state shall have the burden of establishing the violation. The defendant shall have the right to be represented by counsel and shall be informed by the judge that, if the defendant is financially unable to obtain counsel, an attorney will be appointed to represent the defendant. The defendant shall have the right to present the testimony of witnesses and other evidence on the defendant's behalf. Relevant written statements made under oath may be admitted and considered by the court along with other evidence presented at the hearing.

(3) (A) Except as otherwise provided, if the original crime of conviction was a felony, other than a felony specified in K.S.A. 2018 Supp. 21-6804(i), and amendments thereto, and a violation is established, the court may impose the violation sanctions as provided in subsection (c)(1).

(B) Except as otherwise provided, if the original crime of conviction was a misdemeanor or a felony specified in K.S.A. 2018 Supp. 21-6804(i), and amendments thereto, and a violation is established, the court may:

(i) Continue or modify the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction and impose confinement in a county jail not to exceed 60 days. If an offender is serving multiple probation terms concurrently, any confinement periods imposed shall be imposed concurrently;

(ii) impose an intermediate sanction of confinement in a county jail, to be imposed as a two-day or three-day consecutive period. The total of all such sanctions imposed pursuant to this subparagraph and ~~subsections~~ subsection (b)(4)(A) and (b)(4)(B) shall not exceed 18 total days during the term of supervision, except as provided in subsection (h); or

(iii) revoke the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction and require the defendant to serve the sentence imposed, or any lesser sentence, and, if imposition of sentence was suspended, may impose any sentence ~~which that~~ might originally have been imposed.

(4) Except as otherwise provided, if the defendant waives the right to a hearing ~~and the sentencing court has not specifically withheld the authority from court services or community correctional services to impose sanctions~~, the following sanctions may be imposed without further order of the court:

(A) If the defendant was on probation at the time of the violation, the defendant's supervising court services officer, with the concurrence of the chief court services officer, may impose an intermediate sanction of confinement in a county jail, to be imposed as a two-day or three-day consecutive period. The total of all such sanctions imposed pursuant to this subparagraph and subsections (b)(4)(B) and (c)(1)(B) shall not exceed 18 total days during the term of supervision, except as provided in subsection

(h); and

(B) if the defendant was assigned to a community correctional services program at the time of the violation, the defendant's community corrections officer, with the concurrence of the community corrections director, may impose an intermediate sanction of confinement in a county jail, to be imposed as a two-day or three-day consecutive period. The total of all such sanctions imposed pursuant to this subparagraph and subsections (b)(4)(A) and (c)(1)(B) shall not exceed 18 total days during the term of supervision, except as provided in subsection (h).

(c) (1) Except as otherwise provided, if the original crime of conviction was a felony, other than a felony specified in K.S.A. 2018 Supp. 21-6804(i), and amendments thereto, and a violation is established, the court may impose the following sanctions:

(A) Continuation or modification of the release conditions of the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction;

(B) continuation or modification of the release conditions of the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction and an intermediate sanction of confinement in a county jail to be imposed as a two-day or three-day consecutive period. The total of all such sanctions imposed pursuant to this subparagraph and ~~subsections~~ subsection (b)(4)(A) and (b)(4) ~~(B)~~ shall not exceed 18 total days during the term of supervision, except as provided in subsection (h); or

~~(C) if the violator already had at least one intermediate sanction imposed pursuant to subsection (b)(4)(A), (b)(4)(B) or (c)(1)(B) related to the crime for which the original supervision was imposed, continuation or modification of the release conditions of the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction and remanding the defendant to the custody of the secretary of corrections for a period of 120 days, subject to a reduction of up to 60 days in the discretion of the secretary. This sanction shall not be imposed more than once during the term of supervision. The sanction imposed pursuant to this subparagraph shall begin upon pronouncement by the court and shall not be served by prior confinement credit, except as provided in subsection (c)(7);~~

~~(D) if the violator already had a sanction imposed pursuant to subsection (b)(4)(A), (b)(4)(B), (c)(1)(B) or (c)(1)(C) related to the crime for which the original supervision was imposed, continuation or modification of the release conditions of the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction and remanding the defendant to the custody of the secretary of corrections for a period of 180 days, subject to a reduction of up to 90 days in the discretion of the secretary. This sanction shall not be imposed more than once during the term of supervision. The sanction imposed pursuant to this subparagraph shall begin upon pronouncement by the court and shall not be served by prior confinement credit, except as provided in subsection (c)(7); or~~

~~(E) if the violator already had a sanction imposed pursuant to subsection (c)(1)(C) or (c)(1)(D) (c)(1)(B) related to the crime for which the original supervision was imposed, revocation of the probation, assignment to a community corrections services program, suspension of sentence or nonprison sanction and requiring such violator to serve the sentence imposed, or any lesser sentence and, if imposition of sentence was suspended, imposition of any sentence ~~which that~~ might originally have been imposed.~~

(2) Except as otherwise provided in subsections (c)(3), ~~(e)(8)~~ and ~~(c)(9)(7)~~, no offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established as provided in this section shall be required to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections for such violation, unless such person has already had at least one prior assignment to a community correctional services program related to the crime for which the original sentence was imposed.

(3) The provisions of subsection (c)(2) shall not apply to adult felony offenders as described in K.S.A. 75-5291(a)(3), and amendments thereto.

(4) The court may require an offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established as provided in this section to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections without a prior assignment to a community correctional services program if the court finds and sets forth with particularity the reasons for finding that the safety of the members of the public will be jeopardized or that the welfare of the inmate will not be served by such assignment to a community correctional services program.

(5) When a new felony is committed while the offender is on probation or assignment to a community correctional services program, the new sentence shall be imposed consecutively pursuant to the provisions of K.S.A. 2018 Supp. 21-6606, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

~~(6) Except as provided in subsection (f), upon completion of a violation sanction imposed pursuant to subsection (e)(1)(C) or (e)(1)(D) such offender shall return to community correctional services supervision. The sheriff shall not be responsible for the return of the offender to the county where the community correctional services supervision is assigned.~~

~~(7)—~~A violation sanction imposed pursuant to subsection (c)(1)(B), ~~(e)(1)(C) or (e)(1)(D)~~ shall not be longer than the amount of time remaining on the offender's underlying prison sentence.

~~(8)(A) If the offender commits a new felony or misdemeanor while the offender is on probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction, the court may revoke the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction of an offender pursuant to subsection (e)(1)(E) without having previously imposed a sanction pursuant to subsection (e)(1)(B), (e)(1)(C) or (e)(1)(D):~~

~~(B) If the offender absconds from supervision while the offender is on probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction, the court may:~~(i) Revoke the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction of an offender pursuant to subsection (e)(1)(E) without having previously imposed a sanction pursuant to subsection (e)(1)(B), (e)(1)(C) or (e)(1)(D); or

(ii) sanction the offender under subsection (e)(1)(A), (c)(1)(C) or (c)(1)(D) without imposing a sanction under (e)(1)(B).

~~(9)(7)~~ The court may revoke the probation, assignment to a community correctional

services program, suspension of sentence or nonprison sanction of an offender pursuant to subsection (c)(1)(E) without having previously imposed a sanction pursuant to subsection (c)(1)(B), (c)(1)(C) or (c)(1)(D) if:

(A) The court finds and sets forth with particularity the reasons for finding that the safety of members of the public will be jeopardized or that the welfare of the offender will not be served by such sanction; or

(B) the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction was originally granted as the result of a dispositional departure granted by the sentencing court pursuant to K.S.A. 2018 Supp. 21-6815, and amendments thereto;

(C) the offender commits a new felony or misdemeanor while the offender is on probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction; or

(D) the offender absconds from supervision while the offender is on probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction.

~~(10)(8)~~ If an offender is serving multiple probation terms concurrently, any violation sanctions imposed pursuant to subsection (c)(1)(B), (c)(1)(C) or (c)(1)(D), or any sanction imposed pursuant to subsection (c)(1)(9), shall be imposed concurrently.

~~(11)(9)~~ If the original crime of conviction was a felony, except for violations of K.S.A. 8-1567 or 8-2,144, and amendments thereto, and the court makes a finding that the offender has committed one or more violations of the release conditions of the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction, the court may impose confinement in a county jail not to exceed 60 days upon each such finding. Such confinement is separate and distinct from the violation sanctions provided in subsection (c)(1)(B), (c)(1)(C), (c)(1)(D) and (c)(1)(E) and shall not be imposed at the same time as any such violation sanction.

~~(12)(10)~~ The violation sanctions provided in this subsection shall apply to any violation of conditions of release or assignment or a nonprison sanction occurring on and after July 1, 2013, regardless of when the offender was sentenced for the original crime or committed the original crime for which sentenced.

(d) A defendant who is on probation, assigned to a community correctional services program, under suspension of sentence or serving a nonprison sanction and for whose return a warrant has been issued by the court shall be considered a fugitive from justice if it is found that the warrant cannot be served. If it appears that the defendant has violated the provisions of the defendant's release or assignment or a nonprison sanction, the court shall determine whether the time from the issuing of the warrant to the date of the defendant's arrest, or any part of it, shall be counted as time served on probation, assignment to a community correctional services program, suspended sentence or pursuant to a nonprison sanction.

(e) The court shall have 30 days following the date probation, assignment to a community correctional service program, suspension of sentence or a nonprison sanction was to end to issue a warrant for the arrest or notice to appear for the defendant to answer a charge of a violation of the conditions of probation, assignment to a community correctional service program, suspension of sentence or a nonprison sanction.

(f) For crimes committed on and after July 1, 2013, a felony offender whose

nonprison sanction is revoked pursuant to subsection (c) or whose underlying prison term expires while serving a sanction pursuant to subsection (c)(1)(C) or (c)(1)(D) shall serve a period of postrelease supervision upon the completion of the prison portion of the underlying sentence.

(g) Offenders who have been sentenced pursuant to K.S.A. 2018 Supp. 21-6824, and amendments thereto, and who subsequently violate a condition of the drug and alcohol abuse treatment program shall be subject to an additional nonprison sanction for any such subsequent violation. Such nonprison sanctions shall include, but not be limited to, up to 60 days in a county jail, fines, community service, intensified treatment, house arrest and electronic monitoring.

(h) If the court continues or modifies the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction, pursuant to subsection (b) or (c), the court shall authorize an additional 18 days of sanction time in a county jail to be reserved for sanctions as set forth in subsection (b)(3), (b)(4) or (c)(1).

Sec. 11. On and after July 1, 2019, K.S.A. 2018 Supp. 22-3717 is hereby amended to read as follows: 22-3717. (a) Except as otherwise provided by this section; K.S.A. 1993 Supp. 21-4628, prior to its repeal; K.S.A. 21-4624, 21-4635 through 21-4638 and 21-4642, prior to their repeal; K.S.A. 2018 Supp. 21-6617, 21-6620, 21-6623, 21-6624, 21-6625 and 21-6626, and amendments thereto; and K.S.A. 8-1567, and amendments thereto; an inmate, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or K.S.A. 2018 Supp. 21-6707, and amendments thereto, shall be eligible for parole after serving the entire minimum sentence imposed by the court, less good time credits.

(b) (1) An inmate sentenced to imprisonment for life without the possibility of parole pursuant to K.S.A. 2018 Supp. 21-6617, and amendments thereto, shall not be eligible for parole.

(2) Except as provided by K.S.A. 21-4635 through 21-4638, prior to their repeal, and K.S.A. 2018 Supp. 21-6620, 21-6623, 21-6624 and 21-6625, and amendments thereto, an inmate sentenced to imprisonment for the crime of: (A) Capital murder committed on or after July 1, 1994, shall be eligible for parole after serving 25 years of confinement, without deduction of any good time credits; (B) murder in the first degree based upon a finding of premeditated murder committed on or after July 1, 1994, but prior to July 1, 2014, shall be eligible for parole after serving 25 years of confinement, without deduction of any good time credits; and (C) murder in the first degree as described in K.S.A. 2018 Supp. 21-5402(a)(2), and amendments thereto, committed on or after July 1, 2014, shall be eligible for parole after serving 25 years of confinement, without deduction of any good time credits.

(3) Except as provided by subsections (b)(1), (b)(2) and (b)(5), K.S.A. 1993 Supp. 21-4628, prior to its repeal, K.S.A. 21-4635 through 21-4638, prior to their repeal, and K.S.A. 2018 Supp. 21-6620, 21-6623, 21-6624 and 21-6625, and amendments thereto, an inmate sentenced to imprisonment for an off-grid offense committed on or after July 1, 1993, but prior to July 1, 1999, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits and an inmate sentenced to imprisonment for an off-grid offense committed on or after July 1, 1999, shall be eligible for parole after serving 20 years of confinement without deduction of any good time credits.

(4) Except as provided by K.S.A. 1993 Supp. 21-4628, prior to its repeal, an inmate sentenced for a class A felony committed before July 1, 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or K.S.A. 2018 Supp. 21-6707, and amendments thereto, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits.

(5) An inmate sentenced to imprisonment for a violation of K.S.A. 21-3402(a), prior to its repeal, committed on or after July 1, 1996, but prior to July 1, 1999, shall be eligible for parole after serving 10 years of confinement without deduction of any good time credits.

(6) An inmate sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or K.S.A. 2018 Supp. 21-6627, and amendments thereto, committed on or after July 1, 2006, shall be eligible for parole after serving the mandatory term of imprisonment without deduction of any good time credits.

(c) (1) Except as provided in subsection (e), if an inmate is sentenced to imprisonment for more than one crime and the sentences run consecutively, the inmate shall be eligible for parole after serving the total of:

(A) The aggregate minimum sentences, as determined pursuant to K.S.A. 21-4608, prior to its repeal, or K.S.A. 2018 Supp. 21-6606, and amendments thereto, less good time credits for those crimes which are not class A felonies; and

(B) an additional 15 years, without deduction of good time credits, for each crime which is a class A felony.

(2) If an inmate is sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or K.S.A. 2018 Supp. 21-6627, and amendments thereto, for crimes committed on or after July 1, 2006, the inmate shall be eligible for parole after serving the mandatory term of imprisonment.

(d) (1) Persons sentenced for crimes, other than off-grid crimes, committed on or after July 1, 1993, or persons subject to subparagraph (G), will not be eligible for parole, but will be released to a mandatory period of postrelease supervision upon completion of the prison portion of their sentence as follows:

(A) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 1 through 4 crimes, drug severity levels 1 and 2 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and drug severity levels 1, 2 and 3 crimes committed on or after July 1, 2012, must serve 36 months on postrelease supervision.

(B) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 5 and 6 crimes, drug severity level 3 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and drug severity level 4 crimes committed on or after July 1, 2012, must serve 24 months on postrelease supervision.

(C) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 7 through 10 crimes, drug severity level 4 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and drug severity level 5 crimes committed on or after July 1, 2012, must serve 12 months on postrelease supervision.

(D) Persons sentenced to a term of imprisonment that includes a sentence for a sexually violent crime as defined in K.S.A. 22-3717, and amendments thereto, committed on or after July 1, 1993, but prior to July 1, 2006, a sexually motivated crime in which the offender has been ordered to register pursuant to K.S.A. 22-3717(d)(1)(D)(vii), and amendments thereto, electronic solicitation, K.S.A. 21-3523, prior to its

repeal, or K.S.A. 2018 Supp. 21-5509, and amendments thereto, or unlawful sexual relations, K.S.A. 21-3520, prior to its repeal, or K.S.A. 2018 Supp. 21-5512, and amendments thereto, shall serve the period of postrelease supervision as provided in subsections (d)(1)(A), (d)(1)(B) or (d)(1)(C), plus the amount of good time and program credit earned and retained pursuant to K.S.A. 21-4722, prior to its repeal, or K.S.A. 2018 Supp. 21-6821, and amendments thereto, on postrelease supervision.

(i) If the sentencing judge finds substantial and compelling reasons to impose a departure based upon a finding that the current crime of conviction was sexually motivated, departure may be imposed to extend the postrelease supervision to a period of up to 60 months.

(ii) If the sentencing judge departs from the presumptive postrelease supervision period, the judge shall state on the record at the time of sentencing the substantial and compelling reasons for the departure. Departures in this section are subject to appeal pursuant to K.S.A. 21-4721, prior to its repeal, or K.S.A. 2018 Supp. 21-6820, and amendments thereto.

(iii) In determining whether substantial and compelling reasons exist, the court shall consider:

(a) Written briefs or oral arguments submitted by either the defendant or the state;
(b) any evidence received during the proceeding;
(c) the presentence report, the victim's impact statement and any psychological evaluation as ordered by the court pursuant to K.S.A. 21-4714(e), prior to its repeal, or K.S.A. 2018 Supp. 21-6813(e), and amendments thereto; and

(d) any other evidence the court finds trustworthy and reliable.

(iv) The sentencing judge may order that a psychological evaluation be prepared and the recommended programming be completed by the offender. The department of corrections or the prisoner review board shall ensure that court ordered sex offender treatment be carried out.

(v) In carrying out the provisions of subsection (d)(1)(D), the court shall refer to K.S.A. 21-4718, prior to its repeal, or K.S.A. 2018 Supp. 21-6817, and amendments thereto.

(vi) Upon petition and payment of any restitution ordered pursuant to K.S.A. 2018 Supp. 21-6604, and amendments thereto, the prisoner review board may provide for early discharge from the postrelease supervision period imposed pursuant to subsection (d)(1)(D)(i) upon completion of court ordered programs and completion of the presumptive postrelease supervision period, as determined by the crime of conviction, pursuant to subsection (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from postrelease supervision is at the discretion of the board.

(vii) Persons convicted of crimes deemed sexually violent or sexually motivated shall be registered according to the offender registration act, K.S.A. 22-4901 through 22-4910, and amendments thereto.

(viii) Persons convicted of K.S.A. 21-3510 or 21-3511, prior to their repeal, or K.S.A. 2018 Supp. 21-5508, and amendments thereto, shall be required to participate in a treatment program for sex offenders during the postrelease supervision period.

(E) The period of postrelease supervision provided in subparagraphs (A) and (B) may be reduced by up to 12 months and the period of postrelease supervision provided in subparagraph (C) may be reduced by up to six months based on the offender's compliance with conditions of supervision and overall performance while on

postrelease supervision. The reduction in the supervision period shall be on an earned basis pursuant to rules and regulations adopted by the secretary of corrections.

(F) In cases where sentences for crimes from more than one severity level have been imposed, the offender shall serve the longest period of postrelease supervision as provided by this section available for any crime upon which sentence was imposed irrespective of the severity level of the crime. Supervision periods will not aggregate.

(G) (i) Except as provided in subsection (u), persons sentenced to imprisonment for a sexually violent crime committed on or after July 1, 2006, when the offender was 18 years of age or older, and who are released from prison, shall be released to a mandatory period of postrelease supervision for the duration of the person's natural life.

(ii) Persons sentenced to imprisonment for a sexually violent crime committed on or after the effective date of this act, when the offender was under 18 years of age, and who are released from prison, shall be released to a mandatory period of postrelease supervision for 60 months, plus the amount of good time and program credit earned and retained pursuant to K.S.A. 21-4722, prior to its repeal, or K.S.A. 2018 Supp. 21-6821, and amendments thereto.

(2) Persons serving a period of postrelease supervision pursuant to subsections (d) (1)(A), (d)(1)(B) or (d)(1)(C) may petition the prisoner review board for early discharge. Upon payment of restitution, the prisoner review board may provide for early discharge.

(3) Persons serving a period of incarceration for a supervision violation shall not have the period of postrelease supervision modified until such person is released and returned to postrelease supervision.

(4) Offenders whose crime of conviction was committed on or after July 1, 2013, and whose probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction is revoked pursuant to K.S.A. 22-3716(c), and amendments thereto, or whose underlying prison term expires while serving a sanction pursuant to K.S.A. 22-3716(c)(1)(C) or ~~(e)(1)(D)~~, and amendments thereto, shall serve a period of postrelease supervision upon the completion of the underlying prison term.

(5) As used in this subsection, "sexually violent crime" means:

(A) Rape, K.S.A. 21-3502, prior to its repeal, or K.S.A. 2018 Supp. 21-5503, and amendments thereto;

(B) indecent liberties with a child, K.S.A. 21-3503, prior to its repeal, or K.S.A. 2018 Supp. 21-5506(a), and amendments thereto;

(C) aggravated indecent liberties with a child, K.S.A. 21-3504, prior to its repeal, or K.S.A. 2018 Supp. 21-5506(b), and amendments thereto;

(D) criminal sodomy, K.S.A. 21-3505(a)(2) and (a)(3), prior to its repeal, or K.S.A. 2018 Supp. 21-5504(a)(3) and (a)(4), and amendments thereto;

(E) aggravated criminal sodomy, K.S.A. 21-3506, prior to its repeal, or K.S.A. 2018 Supp. 21-5504(b), and amendments thereto;

(F) indecent solicitation of a child, K.S.A. 21-3510, prior to its repeal, or K.S.A. 2018 Supp. 21-5508(a), and amendments thereto;

(G) aggravated indecent solicitation of a child, K.S.A. 21-3511, prior to its repeal, or K.S.A. 2018 Supp. 21-5508(b), and amendments thereto;

(H) sexual exploitation of a child, K.S.A. 21-3516, prior to its repeal, or K.S.A. 2018 Supp. 21-5510, and amendments thereto;

(I) aggravated sexual battery, K.S.A. 21-3518, prior to its repeal, or K.S.A. 2018 Supp. 21-5505(b), and amendments thereto;

(J) aggravated incest, K.S.A. 21-3603, prior to its repeal, or K.S.A. 2018 Supp. 21-5604(b), and amendments thereto;

(K) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or K.S.A. 2018 Supp. 21-5426(b), and amendments thereto, if committed in whole or in part for the purpose of the sexual gratification of the defendant or another;

(L) internet trading in child pornography, as defined in K.S.A. 2018 Supp. 21-5514(a), and amendments thereto;

(M) aggravated internet trading in child pornography, as defined in K.S.A. 2018 Supp. 21-5514(b), and amendments thereto;

(N) commercial sexual exploitation of a child, as defined in K.S.A. 2018 Supp. 21-6422, and amendments thereto; or

(O) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2018 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of a sexually violent crime as defined in this section.

(6) As used in this subsection, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

(e) If an inmate is sentenced to imprisonment for a crime committed while on parole or conditional release, the inmate shall be eligible for parole as provided by subsection (c), except that the prisoner review board may postpone the inmate's parole eligibility date by assessing a penalty not exceeding the period of time which could have been assessed if the inmate's parole or conditional release had been violated for reasons other than conviction of a crime.

(f) If a person is sentenced to prison for a crime committed on or after July 1, 1993, while on probation, parole, conditional release or in a community corrections program, for a crime committed prior to July 1, 1993, and the person is not eligible for retroactive application of the sentencing guidelines and amendments thereto pursuant to K.S.A. 21-4724, prior to its repeal, the new sentence shall not be aggregated with the old sentence, but shall begin when the person is paroled or reaches the conditional release date on the old sentence. If the offender was past the offender's conditional release date at the time the new offense was committed, the new sentence shall not be aggregated with the old sentence but shall begin when the person is ordered released by the prisoner review board or reaches the maximum sentence expiration date on the old sentence, whichever is earlier. The new sentence shall then be served as otherwise provided by law. The period of postrelease supervision shall be based on the new sentence, except that those offenders whose old sentence is a term of imprisonment for life, imposed pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, or an indeterminate sentence with a maximum term of life imprisonment, for which there is no conditional release or maximum sentence expiration date, shall remain on postrelease supervision for life or until discharged from supervision by the prisoner review board.

(g) Subject to the provisions of this section, the prisoner review board may release on parole those persons confined in institutions who are eligible for parole when: (1) The board believes that the inmate should be released for hospitalization, deportation or to answer the warrant or other process of a court and is of the opinion that there is reasonable probability that the inmate can be released without detriment to the

community or to the inmate; or (2) the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by any agreement entered under K.S.A. 75-5210a, and amendments thereto, or any revision of such agreement, and the board believes that the inmate is able and willing to fulfill the obligations of a law abiding citizen and is of the opinion that there is reasonable probability that the inmate can be released without detriment to the community or to the inmate. Parole shall not be granted as an award of clemency and shall not be considered a reduction of sentence or a pardon.

(h) The prisoner review board shall hold a parole hearing at least the month prior to the month an inmate will be eligible for parole under subsections (a), (b) and (c). At least one month preceding the parole hearing, the county or district attorney of the county where the inmate was convicted shall give written notice of the time and place of the public comment sessions for the inmate to any victim of the inmate's crime who is alive and whose address is known to the county or district attorney or, if the victim is deceased, to the victim's family if the family's address is known to the county or district attorney. Except as otherwise provided, failure to notify pursuant to this section shall not be a reason to postpone a parole hearing. In the case of any inmate convicted of an off-grid felony or a class A felony, the secretary of corrections shall give written notice of the time and place of the public comment session for such inmate at least one month preceding the public comment session to any victim of such inmate's crime or the victim's family pursuant to K.S.A. 74-7338, and amendments thereto. If notification is not given to such victim or such victim's family in the case of any inmate convicted of an off-grid felony or a class A felony, the board shall postpone a decision on parole of the inmate to a time at least 30 days after notification is given as provided in this section. Nothing in this section shall create a cause of action against the state or an employee of the state acting within the scope of the employee's employment as a result of the failure to notify pursuant to this section. If granted parole, the inmate may be released on parole on the date specified by the board, but not earlier than the date the inmate is eligible for parole under subsections (a), (b) and (c). At each parole hearing and, if parole is not granted, at such intervals thereafter as it determines appropriate, the board shall consider: (1) Whether the inmate has satisfactorily completed the programs required by any agreement entered under K.S.A. 75-5210a, and amendments thereto, or any revision of such agreement; and (2) all pertinent information regarding such inmate, including, but not limited to, the circumstances of the offense of the inmate; the presentence report; the previous social history and criminal record of the inmate; the conduct, employment, and attitude of the inmate in prison; the reports of such physical and mental examinations as have been made, including, but not limited to, risk factors revealed by any risk assessment of the inmate; comments of the victim and the victim's family including in person comments, contemporaneous comments and prerecorded comments made by any technological means; comments of the public; official comments; any recommendation by the staff of the facility where the inmate is incarcerated; proportionality of the time the inmate has served to the sentence a person would receive under the Kansas sentencing guidelines for the conduct that resulted in the inmate's incarceration; and capacity of state correctional institutions.

(i) In those cases involving inmates sentenced for a crime committed after July 1, 1993, the prisoner review board will review the inmate's proposed release plan. The board may schedule a hearing if they desire. The board may impose any condition they

deem necessary to insure public safety, aid in the reintegration of the inmate into the community, or items not completed under the agreement entered into under K.S.A. 75-5210a, and amendments thereto. The board may not advance or delay an inmate's release date. Every inmate while on postrelease supervision shall remain in the legal custody of the secretary of corrections and is subject to the orders of the secretary.

(j) (1) Before ordering the parole of any inmate, the prisoner review board shall have the inmate appear either in person or via a video conferencing format and shall interview the inmate unless impractical because of the inmate's physical or mental condition or absence from the institution. Every inmate while on parole shall remain in the legal custody of the secretary of corrections and is subject to the orders of the secretary. Whenever the board formally considers placing an inmate on parole and no agreement has been entered into with the inmate under K.S.A. 75-5210a, and amendments thereto, the board shall notify the inmate in writing of the reasons for not granting parole. If an agreement has been entered under K.S.A. 75-5210a, and amendments thereto, and the inmate has not satisfactorily completed the programs specified in the agreement, or any revision of such agreement, the board shall notify the inmate in writing of the specific programs the inmate must satisfactorily complete before parole will be granted. If parole is not granted only because of a failure to satisfactorily complete such programs, the board shall grant parole upon the secretary's certification that the inmate has successfully completed such programs. If an agreement has been entered under K.S.A. 75-5210a, and amendments thereto, and the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by such agreement, or any revision thereof, the board shall not require further program participation. However, if the board determines that other pertinent information regarding the inmate warrants the inmate's not being released on parole, the board shall state in writing the reasons for not granting the parole. If parole is denied for an inmate sentenced for a crime other than a class A or class B felony or an off-grid felony, the board shall hold another parole hearing for the inmate not later than one year after the denial unless the board finds that it is not reasonable to expect that parole would be granted at a hearing if held in the next three years or during the interim period of a deferral. In such case, the board may defer subsequent parole hearings for up to three years but any such deferral by the board shall require the board to state the basis for its findings. If parole is denied for an inmate sentenced for a class A or class B felony or an off-grid felony, the board shall hold another parole hearing for the inmate not later than three years after the denial unless the board finds that it is not reasonable to expect that parole would be granted at a hearing if held in the next 10 years or during the interim period of a deferral. In such case, the board may defer subsequent parole hearings for up to 10 years, but any such deferral shall require the board to state the basis for its findings.

(2) Inmates sentenced for a class A or class B felony who have not had a board hearing in the five years prior to July 1, 2010, shall have such inmates' cases reviewed by the board on or before July 1, 2012. Such review shall begin with the inmates with the oldest deferral date and progress to the most recent. Such review shall be done utilizing existing resources unless the board determines that such resources are insufficient. If the board determines that such resources are insufficient, then the provisions of this paragraph are subject to appropriations therefor.

(k) (1) Parolees and persons on postrelease supervision shall be assigned, upon

release, to the appropriate level of supervision pursuant to the criteria established by the secretary of corrections.

(2) Parolees and persons on postrelease supervision are, and shall agree in writing to be, subject to searches of the person and the person's effects, vehicle, residence and property by a parole officer or a department of corrections enforcement, apprehension and investigation officer, at any time of the day or night, with or without a search warrant and with or without cause. Nothing in this subsection shall be construed to authorize such officers to conduct arbitrary or capricious searches or searches for the sole purpose of harassment.

(3) Parolees and persons on postrelease supervision are, and shall agree in writing to be, subject to searches of the person and the person's effects, vehicle, residence and property by any law enforcement officer based on reasonable suspicion of the person violating conditions of parole or postrelease supervision or reasonable suspicion of criminal activity. Any law enforcement officer who conducts such a search shall submit a written report to the appropriate parole officer no later than the close of the next business day after such search. The written report shall include the facts leading to such search, the scope of such search and any findings resulting from such search.

(l) The prisoner review board shall promulgate rules and regulations in accordance with K.S.A. 77-415 et seq., and amendments thereto, not inconsistent with the law and as it may deem proper or necessary, with respect to the conduct of parole hearings, postrelease supervision reviews, revocation hearings, orders of restitution, reimbursement of expenditures by the state board of indigents' defense services and other conditions to be imposed upon parolees or releasees. Whenever an order for parole or postrelease supervision is issued it shall recite the conditions thereof.

(m) Whenever the prisoner review board orders the parole of an inmate or establishes conditions for an inmate placed on postrelease supervision, the board:

(1) Unless it finds compelling circumstances ~~which that~~ would render a plan of payment unworkable, shall order as a condition of parole or postrelease supervision that the parolee or the person on postrelease supervision pay any transportation expenses resulting from returning the parolee or the person on postrelease supervision to this state to answer criminal charges or a warrant for a violation of a condition of probation, assignment to a community correctional services program, parole, conditional release or postrelease supervision;

(2) to the extent practicable, shall order as a condition of parole or postrelease supervision that the parolee or the person on postrelease supervision make progress towards or successfully complete the equivalent of a secondary education if the inmate has not previously completed such educational equivalent and is capable of doing so;

(3) may order that the parolee or person on postrelease supervision perform community or public service work for local governmental agencies, private corporations organized not-for-profit or charitable or social service organizations performing services for the community;

(4) may order the parolee or person on postrelease supervision to pay the administrative fee imposed pursuant to K.S.A. 22-4529, and amendments thereto, unless the board finds compelling circumstances ~~which that~~ would render payment unworkable;

(5) unless it finds compelling circumstances ~~which that~~ would render a plan of payment unworkable, shall order that the parolee or person on postrelease supervision

reimburse the state for all or part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the person. In determining the amount and method of payment of such sum, the prisoner review board shall take account of the financial resources of the person and the nature of the burden that the payment of such sum will impose. Such amount shall not exceed the amount claimed by appointed counsel on the payment voucher for indigents' defense services or the amount prescribed by the board of indigents' defense services reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less, minus any previous payments for such services;

(6) shall order that the parolee or person on postrelease supervision agree in writing to be subject to searches of the person and the person's effects, vehicle, residence and property by a parole officer or a department of corrections enforcement, apprehension and investigation officer, at any time of the day or night, with or without a search warrant and with or without cause. Nothing in this subsection shall be construed to authorize such officers to conduct arbitrary or capricious searches or searches for the sole purpose of harassment; and

(7) shall order that the parolee or person on postrelease supervision agree in writing to be subject to searches of the person and the person's effects, vehicle, residence and property by any law enforcement officer based on reasonable suspicion of the person violating conditions of parole or postrelease supervision or reasonable suspicion of criminal activity.

(n) If the court ~~which that~~ sentenced an inmate specified at the time of sentencing the amount and the recipient of any restitution ordered as a condition of parole or postrelease supervision, the prisoner review board shall order as a condition of parole or postrelease supervision that the inmate pay restitution in the amount and manner provided in the journal entry unless the board finds compelling circumstances ~~which that~~ would render a plan of restitution unworkable.

(o) Whenever the prisoner review board grants the parole of an inmate, the board, within 14 days of the date of the decision to grant parole, shall give written notice of the decision to the county or district attorney of the county where the inmate was sentenced.

(p) When an inmate is to be released on postrelease supervision, the secretary, within 30 days prior to release, shall provide the county or district attorney of the county where the inmate was sentenced written notice of the release date.

(q) Inmates shall be released on postrelease supervision upon the termination of the prison portion of their sentence. Time served while on postrelease supervision will vest.

(r) An inmate who is allocated regular good time credits as provided in K.S.A. 22-3725, and amendments thereto, may receive meritorious good time credits in increments of not more than 90 days per meritorious act. These credits may be awarded by the secretary of corrections when an inmate has acted in a heroic or outstanding manner in coming to the assistance of another person in a life-threatening situation, preventing injury or death to a person, preventing the destruction of property or taking actions ~~which that~~ result in a financial savings to the state.

(s) The provisions of subsections (d)(1)(A), (d)(1)(B), (d)(1)(C) and (d)(1)(E) shall be applied retroactively as provided in subsection (t).

(t) For offenders sentenced prior to July 1, 2014, who are eligible for modification of their postrelease supervision obligation, the department of corrections shall modify the period of postrelease supervision as provided for by this section:

- (1) On or before September 1, 2013, for offenders convicted of:
 - (A) Severity levels 9 and 10 crimes on the sentencing guidelines grid for nondrug crimes;
 - (B) severity level 4 crimes on the sentencing guidelines grid for drug crimes committed prior to July 1, 2012; and
 - (C) severity level 5 crimes on the sentencing guidelines grid for drug crimes committed on and after July 1, 2012;
- (2) on or before November 1, 2013, for offenders convicted of:
 - (A) Severity levels 6, 7 and 8 crimes on the sentencing guidelines grid for nondrug crimes;
 - (B) level 3 crimes on the sentencing guidelines grid for drug crimes committed prior to July 1, 2012; and
 - (C) level 4 crimes on the sentencing guidelines grid for drug crimes committed on or after July 1, 2012; and
- (3) on or before January 1, 2014, for offenders convicted of:
 - (A) Severity levels 1, 2, 3, 4 and 5 crimes on the sentencing guidelines grid for nondrug crimes;
 - (B) severity levels 1 and 2 crimes on the sentencing guidelines grid for drug crimes committed at any time; and
 - (C) severity level 3 crimes on the sentencing guidelines grid for drug crimes committed on or after July 1, 2012.
- (u) An inmate sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or K.S.A. 2018 Supp. 21-6627, and amendments thereto, for crimes committed on or after July 1, 2006, shall be placed on parole for life and shall not be discharged from supervision by the prisoner review board. When the board orders the parole of an inmate pursuant to this subsection, the board shall order as a condition of parole that the inmate be electronically monitored for the duration of the inmate's natural life.
- (v) Whenever the prisoner review board orders a person to be electronically monitored pursuant to this section, or the court orders a person to be electronically monitored pursuant to K.S.A. 2018 Supp. 21-6604(r), and amendments thereto, the board shall order the person to reimburse the state for all or part of the cost of such monitoring. In determining the amount and method of payment of such sum, the board shall take account of the financial resources of the person and the nature of the burden that the payment of such sum will impose.
- (w) (1) On and after July 1, 2012, for any inmate who is a sex offender, as defined in K.S.A. 22-4902, and amendments thereto, whenever the prisoner review board orders the parole of such inmate or establishes conditions for such inmate placed on postrelease supervision, such inmate shall agree in writing to not possess pornographic materials.
 - (A) As used in this subsection, "pornographic materials" means any obscene material or performance depicting sexual conduct, sexual contact or a sexual performance; and any visual depiction of sexually explicit conduct.
 - (B) As used in this subsection, all other terms have the meanings provided by K.S.A. 2018 Supp. 21-5510, and amendments thereto.
- (2) The provisions of this subsection shall be applied retroactively to every sex offender, as defined in K.S.A. 22-4902, and amendments thereto, who is on parole or postrelease supervision on July 1, 2012. The prisoner review board shall obtain the

written agreement required by this subsection from such offenders as soon as practicable.

Sec. 12. On and after July 1, 2019, K.S.A. 2018 Supp. 22-2307 is hereby amended to read as follows: 22-2307. (a) All law enforcement agencies in this state shall adopt written policies regarding domestic violence calls as provided in ~~subsection~~ subsections (b) and (c). These policies shall be made available to all officers of such agency.

(b) Such written policies shall include, but not be limited to, the following:

(1) A statement directing that when a law enforcement officer determines that there is probable cause to believe that a crime or offense involving domestic violence, as defined in K.S.A. 2018 Supp. 21-5111, and amendments thereto, has been committed, the officer shall, without undue delay, arrest the person for which the officer has probable cause to believe committed the crime or offense if such person's actions were not an act of defense of a person or property as provided in K.S.A. 2018 Supp. 21-5222, 21-5223, 21-5225, 21-5230 or 21-5231, and amendments thereto;

(2) a statement that nothing shall be construed to require a law enforcement officer to:

(A) Arrest either party involved in an alleged act of domestic violence when the law enforcement officer determines there is no probable cause to believe that a crime or offense has been committed; or

(B) arrest both parties involved in an alleged act of domestic violence when both claim to have been victims of such domestic violence;

(3) a statement directing that if a law enforcement officer receives complaints of domestic violence from two or more opposing persons, the officer shall evaluate each complaint separately to determine if there is probable cause that each accused person committed a crime or offense and their actions were not an act of defense of a person or property as provided in K.S.A. 2018 Supp. 21-5222, 21-5223, 21-5225, 21-5230 or 21-5231, and amendments thereto;

(4) a statement defining domestic violence in accordance with K.S.A. 2018 Supp. 21-5111, and amendments thereto;

(5) a statement describing the dispatchers' responsibilities;

(6) a statement describing the responding officers' responsibilities and procedures to follow when responding to a domestic violence call and the suspect is at the scene;

(7) a statement regarding procedures when the suspect has left the scene of the crime;

(8) procedures for both misdemeanor and felony cases;

(9) procedures for law enforcement officers to follow when handling domestic violence calls involving court orders, including protection from abuse orders, restraining orders and a protective order issued by a court of any state or Indian tribe;

(10) a statement that the law enforcement agency shall provide the following information to victims, in writing:

(A) Availability of emergency and medical telephone numbers, if needed;

(B) the law enforcement agency's report number;

(C) the address and telephone number of the prosecutor's office the victim should contact to obtain information about victims' rights pursuant to K.S.A. 74-7333 and 74-7335, and amendments thereto;

(D) the name and address of the crime victims' compensation board and information about possible compensation benefits;

- (E) advise the victim that the details of the crime may be made public;
- (F) advise the victim of such victims' rights under K.S.A. 74-7333 and 74-7335, and amendments thereto; and
- (G) advise the victim of known available resources which may assist the victim; and
- (11) whether an arrest is made or not, a standard offense report shall be completed on all such incidents and sent to the Kansas bureau of investigation.

(c) Such written policies shall provide that when an arrest is made for a domestic violence offense as defined in K.S.A. 2018 Supp. 21-5111, and amendments thereto, including an arrest for violation of a protection order as defined in K.S.A. 2018 Supp. 21-5924, and amendments thereto, the officer shall provide the victim information related to:

(A) The fact that in some cases the person arrested can be released from custody in a short amount of time;

(B) the fact that in some cases a bond condition may be imposed on the person arrested that prohibits contact with the victim for 72 hours, and that if the person arrested contacts the victim during that time, the victim should notify law enforcement immediately; and

(C) any available services within the jurisdiction to monitor custody changes of the person being arrested, including, but not limited to, the Kansas victim information and notification everyday service if available in such jurisdiction.

(d) All law enforcement agencies shall provide training to law enforcement officers about the policies adopted pursuant to this section.

Sec. 13. K.S.A. 2018 Supp. 21-6811 is hereby amended to read as follows: 21-6811. In addition to the provisions of K.S.A. 2018 Supp. 21-6810, and amendments thereto, the following shall apply in determining an offender's criminal history classification as contained in the presumptive sentencing guidelines grids:

(a) Every three prior adult convictions or juvenile adjudications of class A and class B person misdemeanors in the offender's criminal history, or any combination thereof, shall be rated as one adult conviction or one juvenile adjudication of a person felony for criminal history purposes. Every three prior adult convictions or juvenile adjudications of assault as defined in K.S.A. 21-3408, prior to its repeal, or K.S.A. 2018 Supp. 21-5412(a), and amendments thereto, occurring within a period commencing three years prior to the date of conviction for the current crime of conviction shall be rated as one adult conviction or one juvenile adjudication of a person felony for criminal history purposes.

(b) A conviction of criminal possession of a firearm as defined in K.S.A. 21-4204(a)(1) or (a)(5), prior to its repeal, criminal use of weapons as defined in K.S.A. 2018 Supp. 21-6301(a)(10) or (a)(11), and amendments thereto, or unlawful possession of a firearm as in effect on June 30, 2005, and as defined in K.S.A. 21-4218, prior to its repeal, will be scored as a select class B nonperson misdemeanor conviction or adjudication and shall not be scored as a person misdemeanor for criminal history purposes.

(c) (1) If the current crime of conviction was committed before July 1, 1996, and is for K.S.A. 21-3404(b), as in effect on June 30, 1996, involuntary manslaughter in the commission of driving under the influence, then, each prior adult conviction or juvenile adjudication for K.S.A. 8-1567, and amendments thereto, shall count as one person

felony for criminal history purposes.

(2) If the current crime of conviction was committed on or after July 1, 1996, and is for a violation of K.S.A. 2018 Supp. 21-5405(a)(3) or (a)(5), and amendments thereto, each prior adult conviction, diversion in lieu of criminal prosecution or juvenile adjudication for: (A) Any act described in K.S.A. 8-2,144 or 8-1567, and amendments thereto; or (B) a violation of a law of another state or an ordinance of any city, or resolution of any county, which prohibits any act described in K.S.A. 8-2,144 or 8-1567, and amendments thereto, shall count as one person felony for criminal history purposes.

(3) If the current crime of conviction is for a violation of K.S.A. 2018 Supp. 21-5413(b)(3) or (b)(4), and amendments thereto:

(A) The first prior adult conviction, diversion in lieu of criminal prosecution or juvenile adjudication for the following shall count as one nonperson felony for criminal history purposes: (i) Any act described in K.S.A. 8-2,144 or 8-1567, and amendments thereto; or (ii) a violation of a law of another state or an ordinance of any city, or resolution of any county, which prohibits any act described in K.S.A. 8-2,144 or 8-1567, and amendments thereto; and

(B) each second or subsequent prior adult conviction, diversion in lieu of criminal prosecution or juvenile adjudication for the following shall count as one person felony for criminal history purposes: (i) Any act described in K.S.A. 8-2,144 or 8-1567, and amendments thereto; or (ii) a violation of a law of another state or an ordinance of any city, or resolution of any county, which prohibits any act described in K.S.A. 8-2,144 or 8-1567, and amendments thereto.

(d) Prior burglary adult convictions and juvenile adjudications will be scored for criminal history purposes as follows:

(1) As a prior person felony if the prior conviction or adjudication was classified as a burglary as defined in K.S.A. 21-3715(a), prior to its repeal, or K.S.A. 2018 Supp. 21-5807(a)(1), and amendments thereto.

(2) As a prior nonperson felony if the prior conviction or adjudication was classified as a burglary as defined in K.S.A. 21-3715(b) or (c), prior to its repeal, or K.S.A. 2018 Supp. 21-5807(a)(2) or (a)(3), and amendments thereto.

The facts required to classify prior burglary adult convictions and juvenile adjudications shall be established by the state by a preponderance of the evidence.

(e) (1) Out-of-state convictions and juvenile adjudications shall be used in classifying the offender's criminal history.

(2) An out-of-state crime will be classified as either a felony or a misdemeanor according to the convicting jurisdiction.

(A) If a crime is a felony in the convicting jurisdiction, it will be counted as a felony in Kansas.

(B) If a crime is a misdemeanor in the convicting jurisdiction, the state of Kansas shall refer to the comparable offense under the Kansas criminal code in effect on the date the current crime of conviction was committed to classify the out-of-state crime as a class A, B or C misdemeanor. If the comparable offense in the state of Kansas is a felony, the out-of-state crime shall be classified as a class A misdemeanor. If the state of Kansas does not have a comparable offense in effect on the date the current crime of conviction was committed, the out-of-state crime shall not be used in classifying the offender's criminal history.

(C) If a crime is not classified as either a felony or a misdemeanor in the convicting jurisdiction, the state of Kansas shall refer to the comparable offense under the Kansas criminal code in effect on the date the current crime of conviction was committed to classify the out-of-state crime as either a felony or a misdemeanor. If the state of Kansas does not have a comparable offense in effect on the date the current crime of conviction was committed, the out-of-state crime shall not be used in classifying the offender's criminal history.

(3) The state of Kansas shall classify the crime as person or nonperson.

(A) In designating a ~~crime misdemeanor~~ as person or nonperson, comparable offenses under the Kansas criminal code in effect on the date the current crime of conviction was committed shall be referred to. If the state of Kansas does not have a comparable person offense in effect on the date the current crime of conviction was committed, the out-of-state crime shall be classified as a nonperson crime.

(B) In designating a felony crime as person or nonperson, the felony crime shall be classified as follows:

(i) An out-of-state conviction or adjudication for the commission of a felony offense, or an attempt, conspiracy or criminal solicitation to commit a felony offense, shall be classified as a person felony if one or more of the following circumstances is present as defined by the convicting jurisdiction in the elements of the out-of-state offense:

(a) Death or killing of any human being;

(b) threatening or causing fear of bodily or physical harm or violence, causing terror, physically intimidating or harassing any person;

(c) bodily harm or injury, physical neglect or abuse, restraint, confinement or touching of any person, without regard to degree;

(d) the presence of a person, other than the defendant, a charged accomplice or another person with whom the defendant is engaged in the sale, distribution or transfer of a controlled substance or non-controlled substance;

(e) possessing, viewing, depicting, distributing, recording or transmitting an image of any person;

(f) lewd fondling or touching, sexual intercourse or sodomy with or by any person or an unlawful sexual act involving a child under the age of consent;

(g) being armed with, using, displaying or brandishing a firearm or other weapon, excluding crimes of mere unlawful possession; or

(h) entering or remaining within any residence, dwelling or habitation.

(ii) An out-of-state conviction or adjudication for the commission of a felony offense, or an attempt, conspiracy or criminal solicitation to commit a felony offense, shall be classified as a person felony if the elements of the out-of-state felony offense that resulted in the conviction or adjudication necessarily prove that a person was present during the commission of the offense. For purposes of this clause, the person present must be someone other than the defendant, a charged accomplice or another person with whom the defendant is engaged in the sale, distribution or transfer of a controlled substance or non-controlled substance. The presence of a person includes physical presence and presence by electronic or telephonic communication.

(iii) An out-of-state conviction or adjudication for the commission of a felony offense, or an attempt, conspiracy or criminal solicitation to commit a felony offense, shall be classified as a nonperson felony if the elements of the offense do not require

proof of any of the circumstances in subparagraph (B)(i) or (ii).

(4) Convictions or adjudications occurring within the federal system, other state systems, the District of Columbia, foreign, tribal or military courts are considered out-of-state convictions or adjudications.

(5) The facts required to classify out-of-state adult convictions and juvenile adjudications shall be established by the state by a preponderance of the evidence.

(f) Except as provided in K.S.A. 21-4710(d)(4), (d)(5) and (d)(6), prior to its repeal, or K.S.A. 2018 Supp. 21-6810(d)(3)(B), (d)(3)(C), (d)(3)(D), (d)(4) and (d)(5), and amendments thereto, juvenile adjudications will be applied in the same manner as adult convictions. Out-of-state juvenile adjudications will be treated as juvenile adjudications in Kansas.

(g) A prior felony conviction of an attempt, a conspiracy or a solicitation as provided in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2018 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, to commit a crime shall be treated as a person or nonperson crime in accordance with the designation assigned to the underlying crime.

(h) Drug crimes are designated as nonperson crimes for criminal history scoring.

(i) If the current crime of conviction is for a violation of K.S.A. 8-1602(b)(3) through (b)(5), and amendments thereto, each of the following prior convictions for offenses committed on or after July 1, 2011, shall count as a person felony for criminal history purposes: K.S.A. 8-235, 8-262, 8-287, 8-291, 8-1566, 8-1567, 8-1568, 8-1602, 8-1605 and 40-3104, and amendments thereto, and K.S.A. 2018 Supp. 21-5405(a)(3) or (a)(5) and 21-5406, and amendments thereto, or a violation of a city ordinance or law of another state which would also constitute a violation of such sections.

(j) The amendments made to this section by chapter 5 of the 2015 Session Laws of Kansas are procedural in nature and shall be construed and applied retroactively.

Sec. 14. K.S.A. 2018 Supp. 21-6820 is hereby amended to read as follows: 21-6820. (a) A departure sentence is subject to appeal by the defendant or the state. The appeal shall be to the appellate courts in accordance with rules adopted by the supreme court.

(b) Pending review of the sentence, the sentencing court or the appellate court may order the defendant confined or placed on conditional release, including bond.

(c) On appeal from a judgment ~~of~~ of conviction entered for a felony committed on or after July 1, 1993, the appellate court shall not review:

(1) Any sentence that is within the presumptive sentence for the crime; or

(2) any sentence resulting from an agreement between the state and the defendant which the sentencing court approves on the record.

(d) In any appeal from a judgment of conviction imposing a sentence that departs from the presumptive sentence prescribed by the sentencing grid for a crime, sentence review shall be limited to whether the sentencing court's findings of fact and reasons justifying a departure:

(1) Are supported by the evidence in the record; and

(2) constitute substantial and compelling reasons for departure.

(e) In any appeal from a judgment of conviction, the appellate court may review a claim that:

(1) A sentence that departs from the presumptive sentence resulted from partiality, prejudice, oppression or corrupt motive;

(2) the sentencing court erred in either including or excluding recognition of a prior conviction or juvenile adjudication for criminal history scoring purposes; or

(3) the sentencing court erred in ranking the crime severity level of the current crime or in determining the appropriate classification of a prior conviction or juvenile adjudication for criminal history purposes.

(f) The appellate court may reverse or affirm the sentence. If the appellate court concludes that the trial court's factual findings are not supported by evidence in the record or do not establish substantial and compelling reasons for a departure, it shall remand the case to the trial court for resentencing.

(g) The appellate court shall issue a written opinion whenever the judgment of the sentencing court is reversed. The court may issue a written opinion in any other case when it is believed that a written opinion will provide guidance to sentencing judges and others in implementing the sentencing guidelines adopted by the Kansas sentencing commission. The appellate courts may provide by rule for summary disposition of cases arising under this section when no substantial question is presented by the appeal.

(h) A review under summary disposition shall be made solely upon the record that was before the sentencing court. Written briefs shall not be required unless ordered by the appellate court and the review and decision shall be made in an expedited manner according to rules adopted by the supreme court.

(i) The sentencing court shall retain authority irrespective of any notice of appeal for 90 days after entry of judgment of conviction to modify its judgment and sentence to correct any arithmetic or clerical errors.

(j) The amendments made to this section by this act are procedural in nature and shall be construed and applied retroactively.

Sec. 15. K.S.A. 2018 Supp. 22-3504 is hereby amended to read as follows: 22-3504. ~~(1)~~ (a) The court may correct an illegal sentence at any time while the defendant is serving such sentence. The defendant shall receive full credit for time spent in custody under the sentence prior to correction. Unless the motion and the files and records of the case conclusively show that the defendant is entitled to no relief, the defendant shall have a right to a hearing, after reasonable notice to be fixed by the court, to be personally present and to have the assistance of counsel in any proceeding for the correction of an illegal sentence.

~~(2)~~ (b) Clerical mistakes in judgments, orders or other parts of the record and errors in the record arising from oversight or omission may be corrected by the court at any time and after such notice, if any, as the court orders.

~~(3)~~ (c) For the purposes of this section:

(1) "Illegal sentence" means a sentence: Imposed by a court without jurisdiction; that does not conform to the applicable statutory provision, either in character or punishment; or that is ambiguous with respect to the time and manner in which it is to be served at the time it is pronounced. A sentence is not an "illegal sentence" because of a change in the law that occurs after the sentence is pronounced.

(2) "Change in the law" means a statutory change or an opinion by an appellate court of the state of Kansas, unless the opinion is issued while the sentence is pending an appeal from the judgment of conviction.

(d) The amendments made to this section by this act are procedural in nature and shall be construed and applied retroactively.

New Sec. 16. If the amendments made to K.S.A. 2018 Supp. 21-6811, 21-6820 and

22-3504 are, or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the amendments made to K.S.A. 2018 Supp. 21-6811, 21-6820 and 22-3504 that can be given effect without the invalid provision or provisions or application, and to this end the amendments made to K.S.A. 2018 Supp. 21-6811, 21-6820 and 22-3504 are severable.

Sec. 17. K.S.A. 2018 Supp. 21-6811, 21-6811c, 21-6820 and 22-3504 are hereby repealed.";

Also on page 6, in line 37, before the first "K.S.A" by inserting "On and after July 1, 2019,"; also in line 37, after "Supp." by inserting "21-5405, 21-5602,"; also in line 37, after the comma by inserting "21-6604,"; also in line 37, after "21-6813" by inserting ", 21-6815,"; in line 38, by striking "and" and inserting "21-6824, 22-2307,"; also in line 38, after "22-2909" by inserting ", 22-3716 and 22-3717"; in line 40, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "to" by inserting "involuntary manslaughter; abuse of a child,"; also in line 2, after the second semicolon by inserting "conditions of probation; sanctions for violation; determination of offender's criminal history classification; comparable offense; appeal of sentence; correction of sentence; departure sentence; mitigating factors; certified drug abuse treatment program; requiring law enforcement to provide information to victims when an arrest is made for a domestic violence offense,"; in line 4, after "Supp." by inserting "21-5405, 21-5602,"; also in line 4, after the comma by inserting "21-6604, 21-6811,"; also in line 4, after "21-6813" by inserting ", 21-6815,"; in line 5, by striking the first "and" and inserting "21-6820, 21-6824, 22-2307,"; also in line 5, after "22-2909" by inserting ", 22-3504, 22-3716 and 22-3717"; also in line 5, after "sections" by inserting "; also repealing K.S.A. 2018 Supp. 21-6811c";

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

FRED PATTON
BRAD RALPH
JOHN CARMICHAEL

Conferees on part of House

RICK WILBORN
ERIC RUCKER
VIC MILLER

Conferees on part of Senate

Senator Wilborn moved the Senate adopt the Conference Committee Report on **SB 18**.

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Rucker, Skubal, Suellentrop, Sykes, Taylor, Wagle, Ware, Wilborn.

Nays: Pilcher-Cook, Pyle, Tyson.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 20** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 1, in line 18, after "(c)" by inserting "Any person filing a tribal court judgment shall pay to the clerk of the district court a docket fee as prescribed by K.S.A. 60-2001, and amendments thereto. Any additional fees or charges not specifically covered by the docket fee shall be assessed as additional court costs in the same manner and to the same extent as if the action had been originally commenced in the court where the tribal court judgment is filed.

(d) ";

On page 4, in line 26, by striking "2023" and inserting "2025";

On page 7, in line 29, by striking "2023" and inserting "2025";

On page 8, in line 9, by striking "2023" and inserting "2025"; following line 14, by inserting:

"Sec. 5. K.S.A. 2018 Supp. 21-6412 is hereby amended to read as follows: 21-6412. (a) Cruelty to animals is:

(1) Knowingly and maliciously killing, injuring, maiming, torturing, burning or mutilating any animal;

(2) knowingly abandoning any animal in any place without making provisions for its proper care;

(3) having physical custody of any animal and knowingly failing to provide such food, potable water, protection from the elements, opportunity for exercise and other care as is needed for the health or well-being of such kind of animal;

(4) intentionally using a wire, pole, stick, rope or any other object to cause an equine to lose its balance or fall, for the purpose of sport or entertainment;

(5) knowingly but not maliciously killing or injuring any animal; or

(6) knowingly and maliciously administering any poison to any domestic animal.

(b) Cruelty to animals as defined in:

(1) Subsection (a)(1) or (a)(6) is a nonperson felony. Upon conviction of subsection (a)(1) or (a)(6), a person shall be sentenced to not less than 30 days or more than one year's imprisonment and be fined not less than \$500 nor more than \$5,000. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served the minimum mandatory sentence as provided herein. During the mandatory 30 days imprisonment, such offender shall have a psychological evaluation prepared for the court to assist the court in determining conditions of probation. Such conditions shall include, but not be limited to, the completion of an anger management program; and

(2) subsection (a)(2), (a)(3), (a)(4) or (a)(5) is a:

(A) Class A nonperson misdemeanor, except as provided in subsection (b)(2)(B); and

(B) nonperson felony upon the second or subsequent conviction of cruelty to animals as defined in subsection (a)(2), (a)(3), (a)(4) or (a)(5). Upon such conviction, a person shall be sentenced to not less than five days or more than one year's imprisonment and be fined not less than \$500 nor more than \$2,500. The person

convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served the minimum mandatory sentence as provided herein.

- (c) The provisions of this section shall not apply to:
 - (1) Normal or accepted veterinary practices;
 - (2) bona fide experiments carried on by commonly recognized research facilities;
 - (3) killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of chapter 32 or chapter 47 of the Kansas Statutes Annotated, and amendments thereto;
 - (4) rodeo practices accepted by the rodeo cowboys' association;
 - (5) the humane killing of an animal that is diseased or disabled beyond recovery for any useful purpose, or the humane killing of animals for population control, by the owner thereof or the agent of such owner residing outside of a city or the owner thereof within a city if no animal shelter or licensed veterinarian is within the city, or by a licensed veterinarian at the request of the owner thereof, or by any officer or agent of an animal shelter, a local or state health officer or a licensed veterinarian three business days following the receipt of any such animal at such shelter;
 - (6) with respect to farm animals, normal or accepted practices of animal husbandry, including the normal and accepted practices for the slaughter of such animals for food or by-products and the careful or thrifty management of one's herd or animals, including animal care practices common in the industry or region;
 - (7) the killing of any animal by any person at any time that may be found outside of the owned or rented property of the owner or custodian of such animal and that is found injuring or posing a threat to any person, farm animal or property;
 - (8) an animal control officer trained by a licensed veterinarian in the use of a tranquilizer gun, using such gun with the appropriate dosage for the size of the animal, when such animal is vicious or could not be captured after reasonable attempts using other methods;
 - (9) laying an equine down for medical or identification purposes;
 - (10) normal or accepted practices of pest control, as defined in K.S.A. 2-2438a(x), and amendments thereto; or
 - (11) accepted practices of animal husbandry pursuant to regulations promulgated by the United States department of agriculture for domestic pet animals under the animal welfare act, public law 89-544, as amended and in effect on July 1, 2006.
- (d) The provisions of subsection (a)(6) shall not apply to any person exposing poison upon their premises for the purpose of destroying wolves, coyotes or other predatory animals.
- (e) Any public health officer, law enforcement officer, licensed veterinarian or officer or agent of any animal shelter or other appropriate facility may take into custody any animal, upon either private or public property, that clearly shows evidence of cruelty to animals. Such officer, agent or veterinarian may inspect, care for or treat such animal or place such animal in the care of an animal shelter or licensed veterinarian for treatment, boarding or other care or, if an officer of such animal shelter or such veterinarian determines that the animal appears to be diseased or disabled beyond recovery for any useful purpose, for humane killing. The owner or custodian, if known or reasonably ascertainable, shall be notified in writing. If the owner or custodian is charged with a violation of this section, the law enforcement agency, district attorney's

office, county prosecutor, veterinarian or animal shelter may petition the district court in the county in which the animal was taken into custody to transfer ownership of the animal at any time after 21 days after the owner or custodian is notified ~~or, unless the owner or custodian of the animal files and maintains a renewable cash or performance bond with the county clerk of the county in which the animal was taken into custody in an amount equal to not less than the cost of care and treatment of the animal for 30 days. Such cash or performance bond shall be maintained and renewed every 30 days as necessary to cover the cost of care and treatment of such animal until disposition of the animal by the court.~~ If the owner or custodian is not known or reasonably ascertainable after 21 days after the animal is taken into custody, ~~unless the owner or custodian of the animal files a renewable cash or performance bond with the county clerk of the county where the animal is being held, in an amount equal to not less than the cost of care and treatment of the animal for 30 days~~ the law enforcement agency, district attorney's office, county prosecutor, veterinarian or animal shelter may petition the district court in the county in which the animal was taken into custody to transfer ownership of the animal. Upon receiving such petition, the court shall determine whether the animal may be transferred.

(f) The owner or custodian of an animal transferred pursuant to subsection (e) shall not be entitled to recover damages for the transfer of such animal unless the owner proves that such transfer was unwarranted.

(g) Expenses incurred for the care, treatment or boarding of any animal, taken into custody pursuant to subsection (e), pending prosecution of the owner or custodian of such animal for the crime of cruelty to animals, shall be assessed to the owner or custodian as a cost of the case if the owner or custodian is adjudicated guilty of such crime. Any costs collected by the court or through the cash or performance bond described in subsection (e) shall be transferred to the entity responsible for paying the cost of the care, treatment or boarding of the animal.

(h) If a person is adjudicated guilty of the crime of cruelty to animals, such animal shall not be returned to or remain with such person. Such animal may be turned over to an animal shelter or licensed veterinarian for sale or other disposition.

(i) As used in this section:

(1) "Animal shelter" means the same as such term is defined in K.S.A. 47-1701, and amendments thereto;

(2) "equine" means a horse, pony, mule, jenny, donkey or hinny; and

(3) "maliciously" means a state of mind characterized by actual evil-mindedness or specific intent to do a harmful act without a reasonable justification or excuse.";

On page 12, in line 1, by striking "2023" and inserting "2025";

On page 17, in line 23, by striking "2023" and inserting "2025";

On page 20, in line 20, by striking "2023" and inserting "2025";

On page 21, in line 22, by striking "2023" and inserting "2025";

On page 23, in line 4, by striking "2023" and inserting "2025"; in line 16, by striking "2023" and inserting "2025";

On page 24, in line 15, by striking "2023" and inserting "2025";

On page 25, in line 18, by striking "2023" and inserting "2025";

On page 27, in line 3, by striking "2023" and inserting "2025"; in line 15, by striking "2023" and inserting "2025";

On page 29, in line 22, by striking "2023" and inserting "2025";

On page 31, in line 43, by striking "2023" and inserting "2025";
 On page 33, in line 20, by striking "2023" and inserting "2025";
 On page 34, in line 15, by striking "2023" and inserting "2025"; in line 31, by striking "2023" and inserting "2025";
 On page 36, in line 34, by striking "2023" and inserting "2025";
 On page 37, in line 36, by striking "2023" and inserting "2025";
 On page 38, in line 11, by striking "2023" and inserting "2025"; in line 26, by striking "2023" and inserting "2025"; in line 30, after the first comma by inserting "21-6412,";
 And by renumbering sections accordingly;
 On page 1, in the title, in line 2, after the third semicolon by inserting "procedures relating to criminal violations of cruelty to animals;"; in line 4, after the first comma by inserting "21-6412,";
 And your committee on conference recommends the adoption of this report.

FRED PATTON
 BRAD RALPH
 JOHN CARMICHAEL
Conferees on part of House

RICK WILBORN
 ERIC RUCKER
 VIC MILLER
Conferees on part of Senate

Senator Wilborn moved the Senate adopt the Conference Committee Report on **SB 20**.

On roll call, the vote was: Yeas 35; Nays 5; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Petersen, Pettey, Rucker, Skubal, Suellentrop, Sykes, Taylor, Wagle, Ware, Wilborn.

Nays: Hilderbrand, Olson, Pilcher-Cook, Pyle, Tyson.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 63** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 2, following line 37, by inserting:

"Sec. 4. K.S.A. 2018 Supp. 8-1749a is hereby amended to read as follows: 8-1749a.
 (a) No motor vehicle required to be registered in this state and ~~which that~~ is operated on the highways of this state shall be equipped with one-way glass or any sun screening device, as defined in K.S.A. 8-1749b, and amendments thereto, and used in conjunction with windshields, side wings, side windows or rear windows that do not meet the following requirements:

(1) A sun screening device when used in conjunction with the windshield shall be nonreflective and shall not be red, yellow or amber in color. A sun screening device shall be used only along the top of the windshield and shall not extend downward beyond the AS1 line, which is clearly defined and marked;

(2) a sun screening device when used in conjunction with the side wings or side windows located at the immediate right and left of the driver, the side windows behind the driver and the rear most window shall be nonreflective; and

(3) the total light transmission shall not be less than 35% when a sun screening device is used in conjunction with other existing sun screening devices.

(b) Subsection (a)(3) shall not apply to a window of a law enforcement motor vehicle ~~that is clearly identified as such by words or other symbols on the outside of the vehicle.~~

(c) The provisions of subsection (a) shall not apply to the installation, affixation or application of a clear, colorless and transparent material that may be installed, affixed or applied to the windshields, side wings, side windows or rear windows of a motor vehicle if the following conditions are met:

(1) The material has a minimum visible light transmittance of 78%;

(2) the window glazing with the material applied meets all requirements of federal motor vehicle safety standard no. 205, including the specified minimum light transmittance of 70% and the abrasion resistance of AS-14 glazing, as specified in that federal standard;

(3) the material is designed and manufactured to enhance the ability of the existing window glass to block the sun's harmful ultraviolet A or B rays;

(4) the driver or occupant of the vehicle possesses a signed statement from a licensed physician or licensed optometrist that:

(A) Identifies with reasonable specificity the driver or occupant of the vehicle; and

(B) states that, in the physician's or optometrist's professional opinion, the equipping of the vehicle with the material is necessary to safeguard the health of the driver or occupant of the vehicle; and

(5) if the material described in this subsection tears or bubbles, or is otherwise worn to prohibit clear vision, it shall be removed or replaced.

(d) Any driver who is issued a citation for failure to possess a signed statement pursuant to subsection (c)(4) shall have 60 days to either produce in court a signed statement or remove the material described in subsection (c). If such driver produces the signed statement or submits proof to the satisfaction of the court that the material described in subsection (c) has been removed, then the court shall dismiss the citation.

(e) The superintendent of the highway patrol may adopt such rules and regulations necessary to carry out the provisions of this section.

~~(f)~~ This section shall not prohibit labels, stickers or other informational signs that are required or permitted by state law.

~~(g)~~ No motor vehicle required to be registered in this state ~~which that~~ is operated on the highways of this state shall be equipped with head lamps ~~which that~~ are covered with any sun screening device, adhesive film or other glaze or application, which, when such lamps are not in operation, is highly reflective or otherwise nontransparent.

~~(h)~~ Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor.

Sec. 5. K.S.A. 2018 Supp. 8-15,100 is hereby amended to read as follows: 8-

15,100. (a) Except as provided in subsection (b), (c) or (d), it shall be unlawful for any person to operate an all-terrain vehicle: (1) On any interstate highway, federal highway or state highway; or (2) within the corporate limits of any city unless authorized by such city.

(b) Notwithstanding the provisions of subsection (a), all-terrain vehicles owned and operated by a county noxious weed department, or all-terrain vehicles owned and operated by persons contracting with a county noxious weed department or the Kansas department of transportation may be allowed to operate such all-terrain vehicles upon the right-of-way of any federal highway or state highway for the purpose of eradicating noxious weeds and such all-terrain vehicles may be operated incidentally upon such federal highway or state highway.

(c) Notwithstanding the provisions of subsection (a), all-terrain vehicles may be operated to cross a federal highway or state highway.

(d) Notwithstanding the provisions of subsection (a)(1), persons engaged in agricultural purposes may operate an all-terrain vehicle on a federal highway or state highway under the following conditions:

(1) The operator of the all-terrain vehicle must be a licensed driver and be operating within the restrictions of the operator's license;

(2) the federal highway or state highway must have a posted speed limit of 65 miles per hour or less;

(3) the operator of the all-terrain vehicle must operate the all-terrain vehicle as near to the right side of the roadway as practicable, except when making or preparing to make a left turn; and

(4) the purpose of the trip using the all-terrain vehicle must be for agricultural purposes.

(e) No all-terrain vehicle shall be operated on any public highway, street or road between sunset and sunrise unless equipped with lights as required by law for motorcycles.

(f) This section shall be part of and supplemental to the uniform act regulating traffic on highways.

Sec. 6. K.S.A. 2018 Supp. 8-15,109 is hereby amended to read as follows: 8-15,109. (a) It shall be unlawful for any person to operate a work-site utility vehicle: (1) On any interstate highway, federal highway or state highway; or (2) within the corporate limits of any city unless authorized by such city.

(b) Notwithstanding the provisions of subsection (a), work-site utility vehicles may be operated to cross a federal highway or state highway.

(c) Notwithstanding the provisions of subsection (a)(1), persons engaged in agricultural purposes may operate a work-site utility vehicle on a federal highway or state highway under the following conditions:

(1) The operator of the work-site utility vehicle must be a licensed driver and be operating within the restrictions of the operator's license;

(2) the federal highway or state highway must have a posted speed limit of 65 miles per hour or less;

(3) the operator of the work-site utility vehicle must operate the work-site utility vehicle as near to the right side of the roadway as practicable, except when making or preparing to make a left turn; and

(4) the purpose of the trip using the work-site utility vehicle must be for

agricultural purposes.

~~(d)~~ No work-site utility vehicle shall be operated on any public highway, street or road between sunset and sunrise unless equipped with lights as required by law for motorcycles.

~~(e)~~(c) This section shall be part of and supplemental to the uniform act regulating traffic on highways.

New Sec. 7. "Electric-assisted scooter" means every self-propelled vehicle that has at least two wheels in contact with the ground, an electric motor, handlebars, a brake and a deck that is designed to be stood upon when riding.

New Sec. 8. (a) It shall be unlawful for any person to operate an electric-assisted scooter on any interstate highway, federal highway or state highway.

(b) Notwithstanding the provisions of subsection (a), traffic regulations applicable to bicycles shall apply to electric-assisted scooters.

(c) The governing body of a city or county may adopt an ordinance or resolution that further restricts or prohibits the operation of electric-assisted scooters on any public highway, street or sidewalk within such city or county.

(d) Except as otherwise provided in subsection (c), the provisions of subsection (a) shall not prohibit an electric-assisted scooter from crossing a federal or state highway.

(e) This section shall be a part of and supplemental to the uniform act regulating traffic on highways.

Sec. 9. K.S.A. 2018 Supp. 8-126 is hereby amended to read as follows: 8-126. The following words and phrases when used in this act shall have the meanings respectively ascribed to them herein:

(a) "All-terrain vehicle" means any motorized nonhighway vehicle 50 inches or less in width, having a dry weight of 1,500 pounds or less, traveling on three or more nonhighway tires.

(b) "Autocycle" means a three-wheel motorcycle that has a steering wheel and seating that does not require the operator to straddle or sit astride it.

(c) "Commission" or "state highway commission" means the director of vehicles of the department of revenue.

(d) "Contractor" means a person, partnership, corporation, local government, county government, county treasurer or other state agency that has contracted with the department to provide services associated with vehicle functions.

(e) "Department" or "motor vehicle department" or "vehicle department" means the division of vehicles of the department of revenue, acting directly or through its duly authorized officers and agents. When acting on behalf of the department of revenue pursuant to this act, a county treasurer shall be deemed to be an agent of the state of Kansas.

(f) "Division" means the division of vehicles of the department of revenue.

(g) "Electric-assisted scooter" means every self-propelled vehicle that has at least two wheels in contact with the ground, an electric motor, handlebars, a brake and a deck that is designed to be stood upon when riding.

~~(g)~~(h) "Electric personal assistive mobility device" means a self-balancing two nontandem wheeled device, designed to transport only one person, with an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

~~(h)~~(i) "Electric vehicle" means a vehicle that is powered by an electric motor

drawing current from rechargeable storage batteries or other portable electrical energy storage devices, provided the recharge energy must be drawn from a source off the vehicle, such as, but not limited to:

- (1) Residential electric service;
- (2) an electric vehicle charging station, also called an EV charging station, an electric recharging point, a charging point, EVSE (Electric Vehicle Supply Equipment) or a public charging station.

~~(j)~~(i) "Electronic certificate of title" means any electronic record of ownership, including any lien or liens that may be recorded, retained by the division in accordance with K.S.A. 2018 Supp. 8-135d, and amendments thereto.

~~(j)~~(k) "Electronic notice of security interest" means the division's online internet program ~~which that~~ enables a dealer or secured party to submit a notice of security interest as defined in this section, and to cancel the notice or release the security interest using the program. This program is also known as the Kansas elien or KSelien.

~~(k)~~(l) "Farm tractor" means every motor vehicle designed and used as a farm implement power unit operated with or without other attached farm implements in any manner consistent with the structural design of such power unit.

~~(l)~~(m) "Farm trailer" means every trailer and semitrailer as those terms are defined in this section, designed and used primarily as a farm vehicle.

~~(m)~~(n) "Foreign vehicle" means every motor vehicle, trailer, or semitrailer ~~which that~~ shall be brought into this state otherwise than in ordinary course of business by or through a manufacturer or dealer and ~~which~~ has not been registered in this state.

~~(n)~~(o) "Golf cart" means a motor vehicle that has not less than three wheels in contact with the ground, an unladen weight of not more than 1,800 pounds, is designed to be and is operated at not more than 25 miles per hour and is designed to carry not more than four persons including the driver.

~~(o)~~(p) "Highway" means every way or place of whatever nature open to the use of the public as a matter of right for the purpose of vehicular travel. The term "highway" shall not be deemed to include a roadway or driveway upon grounds owned by private owners, colleges, universities or other institutions.

~~(p)~~(q) "Implement of husbandry" means every vehicle designed or adapted and used exclusively for agricultural operations, including feedlots, and only incidentally moved or operated upon the highways. Such term shall include, but not be limited to:

- (1) A farm tractor;
- (2) a self-propelled farm implement;
- (3) a fertilizer spreader, nurse tank or truck permanently mounted with a spreader used exclusively for dispensing or spreading water, dust or liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202, and amendments thereto, regardless of ownership;
- (4) a truck mounted with a fertilizer spreader used or manufactured principally to spread animal dung;
- (5) a mixer-feed truck owned and used by a feedlot, as defined in K.S.A. 47-1501, and amendments thereto, and specially designed and used exclusively for dispensing food to livestock in such feedlot.

~~(q)~~(r) "Lien" means a security interest as defined in this section.

~~(r)~~(s) "Lightweight roadable vehicle" means a multipurpose motor vehicle that is allowed to be driven on public roadways and is required to be registered with, and

flown under the direction of, the federal aviation administration.

~~(s)~~(l) "Manufacturer" means every person engaged in the business of manufacturing motor vehicles, trailers or semitrailers.

~~(t)~~(u) "Micro utility truck" means any motor vehicle ~~which that~~ is not less than 48 inches in width, has an overall length, including the bumper, of not more than 160 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab. "Micro utility truck" does not include a work-site utility vehicle or recreational off-highway vehicle.

~~(v)~~(v) "Motor vehicle" means every vehicle, other than a motorized bicycle or a motorized wheelchair, ~~which that~~ is self-propelled.

~~(w)~~(w) "Motorcycle" means every motor vehicle, including autocycles, designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "tractor" as defined in this section.

~~(x)~~(x) "Motorized bicycle" means every device having two tandem wheels or three wheels, ~~which that~~ may be propelled by either human power or helper motor, or by both, and ~~which~~ has:

- (1) A motor which produces not more than 3.5 brake horsepower;
- (2) a cylinder capacity of not more than 130 cubic centimeters;
- (3) an automatic transmission; and
- (4) the capability of a maximum design speed of no more than 30 miles per hour.

~~(y)~~(y) "Motorized wheelchair" means any self-propelled vehicle designed specifically for use by a physically disabled person and such vehicle is incapable of a speed in excess of 15 miles per hour.

~~(z)~~(z) "New vehicle dealer" means every person actively engaged in the business of buying, selling or exchanging new motor vehicles, travel trailers, trailers or vehicles and who holds a dealer's contract therefor from a manufacturer or distributor and who has an established place of business in this state.

~~(aa)~~(aa) "Nonresident" means every person who is not a resident of this state.

~~(bb)~~(bb) "Notice of security interest" means a notification to the division from a dealer or secured party of a purchase money security interest as provided in article 9 of chapter 84 of the Kansas Statutes Annotated, and amendments thereto, upon a vehicle ~~which that~~ has been sold and delivered to the purchaser describing the vehicle and showing the name, address and acknowledgment of the secured party as well as the name and address of the debtor or debtors and other information the division requires.

~~(cc)~~(cc) "Oil well servicing, oil well clean-out or oil well drilling machinery or equipment" means a vehicle constructed as a machine used exclusively for servicing, cleaning-out or drilling an oil well and consisting in general of a mast, an engine for power, a draw works and a chassis permanently constructed or assembled for one or more of those purposes. The passenger capacity of the cab of a vehicle shall not be considered in determining whether such vehicle is oil well servicing, oil well clean-out or oil well drilling machinery or equipment.

~~(dd)~~(dd) "Owner" means a person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or in the event a vehicle is subject to a lease of 30 days or more with an immediate right of possession

vested in the lessee; or in the event a party having a security interest in a vehicle is entitled to possession, then such conditional vendee or lessee or secured party shall be deemed the owner for the purpose of this act.

~~(dd)~~(ce) "Passenger vehicle" means every motor vehicle, as defined in this section, ~~which that~~ is designed primarily to carry 10 or fewer passengers, and ~~which~~ is not used as a truck.

~~(ee)~~(ff) "Person" means every natural person, firm, partnership, association or corporation.

~~(ff)~~(gg) "Pole trailer" means any two-wheel vehicle used as a trailer with bolsters that support the load, and do not have a rack or body extending to the tractor drawing the load.

~~(gg)~~(hh) "Recreational off-highway vehicle" means any motor vehicle more than 50 but not greater than 64 inches in width, having a dry weight of 2,000 pounds or less, traveling on four or more nonhighway tires.

~~(hh)~~(ii) "Road tractor" means every motor vehicle designed and used for drawing other vehicles, and not so constructed as to carry any load thereon independently, or any part of the weight of a vehicle or load so drawn.

~~(ii)~~(ji) "Self-propelled farm implement" means every farm implement designed for specific use applications with its motive power unit permanently incorporated in its structural design.

~~(jj)~~(kk) "Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

~~(kk)~~(ll) "Specially constructed vehicle" means any vehicle ~~which that~~ shall not have been originally constructed under a distinctive name, make, model or type, or ~~which that~~, if originally otherwise constructed shall have been materially altered by the removal of essential parts, or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles.

~~(ll)~~(mm) "Trailer" means every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

~~(mm)~~(nn) "Travel trailer" means every vehicle without motive power designed to be towed by a motor vehicle constructed primarily for recreational purposes.

~~(nn)~~(oo) "Truck" means a motor vehicle ~~which that~~ is used for the transportation or delivery of freight and merchandise or more than 10 passengers.

~~(oo)~~(pp) "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle or load so drawn.

~~(pp)~~(qq) "Used vehicle dealer" means every person actively engaged in the business of buying, selling or exchanging used vehicles, and having an established place of business in this state and who does not hold a dealer's contract for the sale of new motor vehicles, travel trailers or vehicles.

~~(qq)~~(rr) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting electric personal assistive mobility devices or devices moved by human power or used exclusively upon stationary rails or tracks.

~~(rr)~~(ss) "Vehicle functions" means services relating to the application, processing, auditing or distribution of original or renewal vehicle registrations, certificates of title,

driver's licenses and division-issued identification cards associated with services and functions set out in articles 1, 2 and 13 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto. "Vehicle functions" may also include personal property taxation duties set out in article 51 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, and other vehicle-related events described in article 1 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto.

~~(ss)~~(tt) "Work-site utility vehicle" means any motor vehicle ~~which~~ that is not less than 48 inches in width, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more nonhighway tires, a steering wheel and bench or bucket-type seating allowing at least two people to sit side-by-side, and may be equipped with a bed or cargo box for hauling materials. "Work-site utility vehicle" does not include a micro utility truck or recreational off-highway vehicle.

Sec. 10. K.S.A. 2018 Supp. 8-128 is hereby amended to read as follows: 8-128. (a) The following need not be registered under this act, any:

- (1) Implement of husbandry;
- (2) all-terrain vehicle;
- (3) micro utility truck;
- (4) golf cart;
- (5) work-site utility vehicle;
- (6) road roller or road machinery temporarily operated or moved upon the highways;
- (7) municipally owned fire truck;
- (8) privately owned fire truck subject to a mutual aid agreement with a municipality;
- (9) school bus owned and operated by a school district or a nonpublic school ~~which~~ that has the name of the municipality, school district or nonpublic school plainly painted thereon;

(10) farm trailer used in carrying not more than 6,000 pounds owned by a person engaged in farming, which trailer is used exclusively by the owner to transport agricultural products produced by such owner or commodities purchased by the owner for use on the farm owned or rented by the owner of such trailer and the weight of any such farm trailer, plus the cargo weight of 6,000 pounds or less, shall not be considered in determining the gross weight for which the truck or truck tractor propelling the same shall be registered; ~~or~~

(11) farm trailer used and designed for transporting hay or forage from a field to a storage area or from a storage area to a feedlot, ~~which~~ that is only incidentally moved or operated upon the highways, except that this paragraph shall not apply to a farm semitrailer; or

(12) electric-assisted scooter.

(b) Self-propelled cranes where the crane operator on a job site operates the controls of such crane from a permanent housing or module on the crane and the crane is not used for the transportation of property, except the property that is required for the operation of the crane itself and earth moving equipment ~~which~~ that are equipped with pneumatic tires may be moved on the highways of this state from one job location to another, or to or from places of storage, delivery or repair, without complying with the provisions of the law relating to registration and display of license plates but shall comply with all the other requirements of the law relating to motor vehicles.

(c) Oil well servicing, oil well clean-out or oil well drilling machinery or equipment need not be registered under this act but shall comply with all the other requirements of the law relating to motor vehicles.

(d) A truck permanently mounted with a hydraulic concrete pump and placing boom may be moved on the highways of this state from one job location to another, or to or from places of storage delivery or repair, without being registered under this act, but shall comply with all the other requirements of the law relating to motor vehicles. The provisions of this subsection shall not apply to ready-mix concrete trucks.

Sec. 11. K.S.A. 2018 Supp. 8-1486 is hereby amended to read as follows: 8-1486. K.S.A. 8-1402a, 8-1414a, 8-1439c, 8-1458a, 8-1459a, 8-1475a, 8-1487, 8-1488, 8-1489 and 8-1490, and amendments thereto, and K.S.A. 2018 Supp. 8-1491, 8-1492, 8-1493, 8-1494, 8-1495, 8-1496 ~~and~~ 8-1497 and section 7, and amendments thereto, shall be a part of, and supplemental to, the uniform act regulating traffic on highways.

Sec. 12. K.S.A. 2018 Supp. 8-2118 is hereby amended to read as follows: 8-2118. (a) A person charged with a traffic infraction shall, except as provided in subsection (b), appear at the place and time specified in the notice to appear. If the person enters an appearance, waives right to trial, pleads guilty or no contest, the fine shall be no greater than that specified in the uniform fine schedule in subsection (c) and court costs shall be taxed as provided by law.

(b) Prior to the time specified in the notice to appear, a person charged with a traffic infraction may enter a written appearance, waive right to trial, plead guilty or no contest and pay the fine for the violation as specified in the uniform fine schedule in subsection (c) and court costs provided by law. Payment may be made in any manner accepted by the court. The traffic citation shall not have been complied with if the payment is not honored for any reason, or if the fine and court costs are not paid in full. When a person charged with a traffic infraction makes payment without executing a written waiver of right to trial and plea of guilty or no contest, the payment shall be deemed such an appearance, waiver of right to trial and plea of no contest.

(c) The following uniform fine schedule shall apply uniformly throughout the state but shall not limit the fine ~~which that~~ may be imposed following a court appearance, except an appearance made for the purpose of pleading and payment as permitted by subsection (a). The description of offense contained in the following uniform fine schedule is for reference only and is not a legal definition.

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
Refusal to submit to a preliminary breath test	8-1012	\$105
Unsafe speed for prevailing conditions	8-1557	\$75
Exceeding maximum speed limit; or speeding in zone posted by the state department of transportation; or speeding in locally posted zone	8-1558 to 8-1560 8-1560a or 8-1560b	1-10 mph over the limit, \$45 11-20 mph over the limit, \$45 plus \$6 per mph over 10 mph over the limit;

		21-30 mph over the limit, \$105 plus \$9 per mph over 20 mph over the limit; 31 and more mph over the limit, \$195 plus \$15 per mph over 30 mph over the limit;
Disobeying traffic control device	8-1507	\$75
Violating traffic control signal	8-1508	\$75
Violating pedestrian control signal	8-1509	\$45
Violating flashing traffic signals	8-1510	\$75
Violating lane-control signal	8-1511	\$75
Unauthorized sign, signal, marking or device	8-1512	\$45
Driving on left side of roadway	8-1514	\$75
Failure to keep right to pass oncoming vehicle	8-1515	\$75
Improper passing; increasing speed when passed	8-1516	\$75
Improper passing on right	8-1517	\$75
Passing on left with insufficient clearance	8-1518	\$75
Driving on left side where curve, grade, intersection railroad crossing, or obstructed view	8-1519	\$75
Driving on left in no-passing zone	8-1520	\$75
Unlawful passing of stopped emergency vehicle	8-1520a	\$75
Driving wrong direction on one-way road	8-1521	\$75
Improper driving on laned roadway	8-1522	\$75
Following too close	8-1523	\$75
Improper crossover on divided highway	8-1524	\$45
Failure to yield right-of-way at uncontrolled intersection	8-1526	\$75
Failure to yield to approaching vehicle when turning left	8-1527	\$75
Failure to yield at stop or	8-1528	\$75

yield sign		
Failure to yield from private road or driveway	8-1529	\$75
Failure to yield to emergency vehicle	8-1530	\$195
Failure to yield to pedestrian or vehicle working on roadway	8-1531	\$105
Failure to comply with restrictions in road construction zone	8-1531a	\$45
Disobeying pedestrian traffic control device	8-1532	\$45
Failure to yield to pedestrian in crosswalk; pedestrian suddenly entering roadway; passing vehicle stopped for pedestrian at crosswalk	8-1533	\$75
Improper pedestrian crossing	8-1534	\$45
Failure to exercise due care in regard to pedestrian	8-1535	\$45
Improper pedestrian movement in crosswalk	8-1536	\$45
Improper use of roadway by pedestrian	8-1537	\$45
Soliciting ride or business on roadway	8-1538	\$45
Driving through safety zone	8-1539	\$45
Failure to yield to pedestrian on sidewalk	8-1540	\$45
Failure of pedestrian to yield to emergency vehicle	8-1541	\$45
Failure to yield to blind pedestrian	8-1542	\$45
Pedestrian disobeying bridge or railroad signal	8-1544	\$45
Improper turn or approach	8-1545	\$75
Improper "U" turn	8-1546	\$75
Unsafe starting of stopped vehicle	8-1547	\$45
Unsafe turning or stopping, failure to give proper signal; using turn signal unlawfully	8-1548	\$75
Improper method of giving notice of intention to turn	8-1549	\$45

Improper hand signal	8-1550	\$45
Failure to stop or obey road crossing signal	8-1551	\$195
Failure to stop at railroad crossing stop sign	8-1552	\$135
Certain hazardous vehicles failure to stop at railroad crossing	8-1553	\$195
Improper moving of heavy equipment at railroad crossing	8-1554	\$75
Vehicle emerging from alley, private roadway, building or driveway	8-1555	\$75
Improper passing of school bus; improper use of school bus signals	8-1556	\$315
Improper passing of church or day-care bus; improper use of signals	8-1556a	\$195
Impeding normal traffic by slow speed	8-1561	\$45
Speeding on motor-driven cycle	8-1562	\$75
Speeding in certain vehicles or on posted bridge	8-1563	\$45
Improper stopping, standing or parking on roadway	8-1569	\$45
Parking, standing or stopping in prohibited area	8-1571	\$45
Improper parking	8-1572	\$45
Unattended vehicle	8-1573	\$45
Improper backing	8-1574	\$45
Driving on sidewalk	8-1575	\$45
Driving with view or driving mechanism obstructed	8-1576	\$45
Unsafe opening of vehicle door	8-1577	\$45
Riding in house trailer	8-1578	\$45
Unlawful riding on vehicle	8-1578a	\$75
Improper driving in defiles, canyons, or on grades	8-1579	\$45
Coasting	8-1580	\$45
Following fire apparatus too closely	8-1581	\$75
Driving over fire hose	8-1582	\$45
Putting glass, etc., on high-	8-1583	\$105

way		
Driving into intersection, crosswalk, or crossing without sufficient space on other side	8-1584	\$45
Improper operation of snow- mobile on highway	8-1585	\$45
Parental responsibility of child riding bicycle	8-1586	\$45
Not riding on bicycle seat; too many persons on bicycle	8-1588	\$45
Clinging to other vehicle	8-1589	\$45
Improper riding of bicycle on roadway	8-1590	\$45
Carrying articles on bicycle; one hand on handlebars	8-1591	\$45
Improper bicycle lamps, brakes or reflectors	8-1592	\$45
Improper operation of mo- torcycle; seats; passen- gers, bundles	8-1594	\$45
Improper operation of motor cycle on laned roadway	8-1595	\$75
Motorcycle clinging to other vehicle	8-1596	\$45
Improper motorcycle handle- bars or passenger equipment	8-1597	\$75
Motorcycle helmet and eye- protection requirements	8-1598	\$45
Unlawful operation of all-ter- rain vehicle	8-15,100	\$75
Unlawful operation of low-speed vehicle	8-15,101	\$75
Littering	8-15,102	\$115
Disobeying school crossing guard	8-15,103	\$75
Unlawful operation of micro utility truck	8-15,106	\$75
Failure to remove vehicles in accidents	8-15,107	\$75
Unlawful operation of golf cart	8-15,108	\$75
Unlawful operation of work- site utility vehicle	8-15,109	\$75
Unlawful display of license	8-15,110	\$60

plate		
Unlawful text messaging	8-15,111	\$60
Unlawful passing of a waste collection vehicle	8-15,112	\$45
<u>Unlawful operation of electric-assisted scooter</u>	<u>section 8</u>	<u>\$45</u>
Equipment offenses that are not misdemeanors	8-1701	\$75
Driving without lights when needed	8-1703	\$45
Defective headlamps	8-1705	\$45
Defective tail lamps	8-1706	\$45
Defective reflector	8-1707	\$45
Improper stop lamp or turn signal	8-1708	\$45
Improper lighting equipment on certain vehicles	8-1710	\$45
Improper lamp color on certain vehicles	8-1711	\$45
Improper mounting of reflectors and lamps on certain vehicles	8-1712	\$45
Improper visibility of reflectors and lamps on certain vehicles	8-1713	\$45
No lamp or flag on projecting load	8-1715	\$75
Improper lamps on parked vehicle	8-1716	\$45
Improper lights, lamps, reflectors and emblems on farm tractors or slow-moving vehicles	8-1717	\$45
Improper lamps and equipment on implements of husbandry, road machinery or animal-drawn vehicles	8-1718	\$45
Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$45
Improper lamps or lights on emergency vehicle	8-1720	\$45
Improper stop or turn signal	8-1721	\$45
Improper vehicular hazard warning lamp	8-1722	\$45
Unauthorized additional lighting equipment	8-1723	\$45

Improper multiple-beam lights	8-1724	\$45
Failure to dim headlights	8-1725	\$75
Improper single-beam head- lights	8-1726	\$45
Improper speed with alter- nate lighting	8-1727	\$45
Improper number of driving lamps	8-1728	\$45
Unauthorized lights and sig- nals	8-1729	\$45
Improper school bus lighting equipment and warning devices	8-1730	\$45
Unauthorized lights and de- vices on church or day- care bus	8-1730a	\$45
Improper lights on highway construction or maintenance vehicles	8-1731	\$45
Defective brakes	8-1734	\$45
Defective or improper use of horn or warning device	8-1738	\$45
Defective muffler	8-1739	\$45
Defective mirror	8-1740	\$45
Defective wipers; obstructed windshield or windows	8-1741	\$45
Improper tires	8-1742	\$45
Improper flares or warning devices	8-1744	\$45
Improper use of vehicular hazard warning lamps and devices	8-1745	\$45
Improper air-conditioning equipment	8-1747	\$45
Improper safety belt or shoulder harness	8-1749	\$45
Improper wide-based single tires	8-1742b	\$75
Improper compression re- lease engine braking sys- tem	8-1761	\$75
Defective motorcycle head- lamp	8-1801	\$45
Defective motorcycle tail lamp	8-1802	\$45
Defective motorcycle reflec- tor	8-1803	\$45

Defective motorcycle stop lamps and turn signals	8-1804	\$45
Defective multiple-beam lighting	8-1805	\$45
Improper road-lighting equipment on motor-driven cycles	8-1806	\$45
Defective motorcycle or motor-driven cycle brakes	8-1807	\$45
Improper performance ability of brakes	8-1808	\$45
Operating motorcycle with disapproved braking system	8-1809	\$45
Defective horn, muffler, mirrors or tires	8-1810	\$45
Unlawful statehouse parking	75-4510a	\$30
Exceeding gross weight of vehicle or combination	8-1909	Pounds Overweight up to 1000....\$40 1001 to 2000....3¢ per pound 2001 to 5000....5¢ per pound 5001 to 7500....7¢ per pound 7501 and over..10¢ per pound
Exceeding gross weight on any axle or tandem, triple or quad axles	8-1908	Pounds Overweight up to 1000....\$40 1001 to 2000....3¢ per pound 2001 to 5000....5¢ per pound 5001 to 7500....7¢ per pound 7501 and over..10¢ per pound
Failure to obtain proper registration, clearance or to have current certification	66-1324	\$287
Insufficient liability insurance for motor carriers	66-1,128 or 66-1314	\$137
Failure to obtain interstate motor fuel tax authorization	79-34,122	\$137
No authority as private or	66-1,111	\$137

common carrier		
Violation of motor carrier	66-1,129	\$115
safety rules and regula-		
tions, except for viola-		
tions specified in K.S.A.		
66-1,130(b)(2), and		
amendments thereto		

(d) Traffic offenses classified as traffic infractions by this section shall be classified as ordinance traffic infractions by those cities adopting ordinances prohibiting the same offenses. A schedule of fines for all ordinance traffic infractions shall be established by the municipal judge in the manner prescribed by K.S.A. 12-4305, and amendments thereto. Such fines may vary from those contained in the uniform fine schedule contained in subsection (c).

(e) Fines listed in the uniform fine schedule contained in subsection (c) shall be doubled if a person is convicted of a traffic infraction, which is defined as a moving violation in accordance with rules and regulations adopted pursuant to K.S.A. 8-249, and amendments thereto, committed within any road construction zone as defined in K.S.A. 8-1458a, and amendments thereto.

(f) For a second violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after a prior conviction of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined $1\frac{1}{2}$ times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c). For a third violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years, after two prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined two times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c). For a fourth and each succeeding violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after three prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined $2\frac{1}{2}$ times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c).

(g) Fines listed in the uniform fine schedule contained in subsection (c) relating to exceeding the maximum speed limit, shall be doubled if a person is convicted of exceeding the maximum speed limit in a school zone authorized under K.S.A. 8-1560(a)(4), and amendments thereto.

(h) For a second violation of K.S.A. 8-1556, and amendments thereto, within five years after a prior conviction of K.S.A. 8-1556, and amendments thereto, such person, upon conviction, shall be fined \$750 for the second violation. For a third and each succeeding violation of K.S.A. 8-1556, and amendments thereto, within five years after two prior convictions of K.S.A. 8-1556, and amendments thereto, such person, upon conviction, shall be fined \$1,000 for the third and each succeeding violation.";

Also on page 2, in line 38, after "Supp." by inserting "8-126, 8-128, 8-1486, 8-15,100, 8-15,109,"; also in line 38, after "8-1729" by inserting ", 8-1749a and 8-2118";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking the semicolon and inserting a comma; in line 4, after the semicolon by inserting "allowing for the installation of certain light screening material on windshields and windows; allowing all-terrain and work-site

utility vehicles to operate on a federal or state highway under certain conditions; regulating the use of electric-assisted scooters, definitions, requirements, penalty;"; in line 5, after "Supp." by inserting "8-126, 8-128, 8-1486, 8-15,100, 8-15,109,"; also in line 5, after "8-1729" by inserting ", 8-1749a and 8-2118";

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

RICHARD PROEHL

JACK THIMESCH

Conferees on part of House

MIKE PETERSEN

DAN GODDARD

PAT PETTEY

Conferees on part of Senate

Senator Petersen moved the Senate adopt the Conference Committee Report on **SB 63**.

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

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

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MADAM PRESIDENT: Your committee on conference on Senate amendments to **HB 2290** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 2, following line 4, by inserting:

"New Section 1. (a) There is hereby established the Kansas closed case task force.

The task force shall be composed of 15 voting members, as follows:

- (1) The chairperson of the standing senate committee on judiciary;
- (2) the ranking minority member of the standing senate committee on judiciary;
- (3) the chairperson of the standing house committee on judiciary;
- (4) the ranking minority member of the standing house committee on judiciary;
- (5) the governor or the governor's designee;
- (6) the attorney general or the attorney general's designee;
- (7) the director of the Kansas bureau of investigation or the director's designee;
- (8) the state combined DNA index system (CODIS) administrator as designated by the director of the Kansas bureau of investigation forensic science laboratory;
- (9) a sheriff as designated by the Kansas sheriff's association;
- (10) a chief of police as designated by the Kansas association of chiefs of police;
- (11) a prosecutor as designated by the Kansas county and district attorneys association;

(12) the executive director of the state board of indigents' defense services or the executive director's designee;

(13) the president of the Kansas bar association or the president's designee;

(14) the director of victim services of the department of corrections or the director's designee; and

(15) one member designated by the governor who represents an organization that litigates claims of innocence.

(b) (1) Members shall be appointed to the task force on or before September 1, 2019. The initial meeting of the task force shall be convened on or before October 1, 2019.

(2) The chairperson of the standing senate committee on judiciary and the chairperson of the standing house committee on judiciary shall serve as co-chairs of the task force.

(3) The task force shall meet in an open meeting at any time and at any place within the state of Kansas upon the call of either co-chairperson of the task force. A majority of the voting members of the task force constitutes a quorum. Any action by the task force shall be by motion adopted by a majority of the voting members present when there is a quorum.

(c) The task force, in consultation with practitioners and experts, shall develop a plan to ensure uniform statewide policies and procedures that address, at a minimum:

(1) Timely receipt of the data relating to hits to the combined DNA index system (CODIS) from the forensic laboratory;

(2) directly connecting the data relating to hits to the combined DNA index system (CODIS) to the relevant case file;

(3) proper policies and procedures to ensure all hits are accounted for and followed up;

(4) procedures to address how the key parties can conduct a reasonable and timely investigation into the significance of the hit; and

(5) sharing the hits in data from both solved and unsolved cases with other key parties, including the relevant prosecutors' offices, the original defense attorney and the last known attorney of record, crime victims and surviving relatives, and a local organization that litigates claims of innocence.

(d) The task force shall complete a plan for implementation of a protocol relating to hits to closed cases by October 1, 2020. The plan shall include a mechanism to ensure uniform compliance at the local law enforcement agency level.

(e) On or before December 1, 2020, the task force shall submit a report containing a plan for uniform implementation of the protocol throughout the state, including articulated benchmarks to facilitate and measure adoption. This report shall be posted on a public website maintained by the Kansas bureau of investigation and presented to the governor, the speaker of the house of representatives and the president of the senate.

(f) Legislative members of the task force attending meetings authorized by the task force shall be paid amounts provided in K.S.A. 75-3223(e), and amendments thereto. Non-legislative members of the task force may be reimbursed by their appointing authority.

(g) The provisions of this section shall expire on December 30, 2020.

New Sec. 2. (a) There is hereby created the Kansas criminal justice reform commission.

(b) The commission shall:

(1) Analyze the sentencing guidelines grids for drug and nondrug crimes and make recommendations for legislation that would ensure sentences are appropriate;

(2) review the sentences imposed for criminal conduct to determine whether the sentences are proportionate to other sentences imposed for criminal offenses;

(3) analyze diversion programs utilized throughout the state and make recommendations with respect to expanding diversion options and implementation of a state-wide diversion standards;

(4) review the supervision levels and programming available for offenders who serve sentences for felony offenses on community supervision;

(5) study specialty courts and make recommendations for the use of specialty courts throughout the state;

(6) survey the availability of evidence-based programming for offenders provided both in correctional facilities and in the community, and make recommendations for changes in available programming;

(7) study the policies of the department of corrections for placement of offenders within the correctional facility system and make recommendations with respect to specialty facilities, including, but not limited to, geriatric, healthcare and substance abuse facilities;

(8) evaluate existing information management data systems and make recommendations for improvements to data systems that will enhance the ability of criminal justice agencies to evaluate and monitor the efficacy of the criminal justice system at all points in the criminal justice process; and

(9) study other matters, that, as the commission determines, are appropriate and necessary to complete a thorough review of the criminal justice system.

(c) The commission shall be made of the following members:

(1) One member of the Kansas senate appointed by the president of the senate;

(2) one member of the Kansas senate appointed by the minority leader of the senate;

(3) one member of the Kansas house of representatives appointed by the speaker of the Kansas house of representatives;

(4) one member of the Kansas house of representatives appointed by the minority leader of the Kansas house of representatives;

(5) one member of the judicial branch court services appointed by the chief justice of the supreme court;

(6) one criminal defense attorney or public defender appointed by the governor;

(7) one county or district attorney from an urban area and one county attorney from a rural area appointed by the Kansas county and district attorneys association;

(8) one sheriff and one chief of police appointed by the attorney general;

(9) one professor of law from the university of Kansas school of law and one professor of law from Washburn university school of law, appointed by the deans of such schools;

(10) one drug and alcohol addiction treatment provider who provides services pursuant to the certified drug abuse treatment program appointed by the Kansas sentencing commission;

(11) one district judge appointed by the Kansas district judges association;

(12) one district magistrate judge appointed by the Kansas district magistrate

judges association;

(13) one member representative of the faith-based community appointed by the governor;

(14) one member of a criminal justice reform advocacy organization appointed by the legislative coordinating council;

(15) one mental health professional appointed by the Kansas community mental health association;

(16) one member representative of community corrections appointed by the secretary of corrections; and

(17) the attorney general, the secretary of corrections and the executive director of the Kansas sentencing commission, or such persons' designees, shall serve as ex officio, nonvoting members of the commission.

(d) Members of the commission shall be appointed before August 1, 2019. The appointing authorities shall provide notice of such appointments to the office of revisor of statutes and the legislative research department.

(e) The members of the commission shall elect officers from among its members necessary to discharge its duties. The commission shall receive testimony from interested parties at public hearings to be conducted in the various geographic areas of the state.

(f) If approved by the legislative coordinating council, legislative members of the commission attending meetings authorized by the commission shall be paid amounts for expenses, mileage and subsistence as provided in K.S.A. 75-3223(e), and amendments thereto.

(g) The commission shall have the authority to organize and appoint such task forces or subcommittees as may be deemed necessary to discharge such commission's duties, including adding ex officio, nonvoting members to such task forces or subcommittees.

(h) The commission shall work with the Kansas judicial council, the department of corrections, the office of judicial administration and the Kansas sentencing commission and review studies and findings of the Kansas sentencing commission concerning proportionality of sentencing.

(i) The commission shall prepare and submit its interim report to the legislature on or before December 1, 2019. A final report and recommendations shall be submitted to the legislature on or before December 1, 2020.

(j) The staff of the office of revisor of statutes and the legislative research department shall provide such assistance as may be requested by the commission as authorized by the legislative coordinating council.

(k) The governor shall appoint a facilitator to assist the commission in developing a project plan and who shall assist the commission in carrying out the duties of the commission in an orderly manner. The facilitator shall work in collaboration with the commission chairperson and staff of the office of revisor of statutes and the legislative research department. The facilitator shall not be a member of the commission. The facilitator, in coordination with the office of revisor of statutes and the legislative research department, shall call the first meeting of the commission, which shall take place during August 2019.

New Sec. 3. (a) As used in this section:

(1) "Care" means the provision of treatment, education, training, instruction,

supervision or recreation to children, the elderly or individuals with disabilities.

(2) "Provider" means a person who:

(A) Is employed by a qualified entity and has, seeks to have, or may have supervised or unsupervised access to children, the elderly or individuals with disabilities to whom the qualified entity provides care;

(B) is a volunteer of a qualified entity and has, seeks to have, or may have supervised or unsupervised access to children, the elderly or individuals with disabilities to whom the qualified entity provides care; or

(C) owns, operates or seeks to own or operate a qualified entity.

(3) "Qualified entity" means a business or organization that provides care to children, the elderly or individuals with disabilities that is private, for profit, not-for-profit or voluntary, except such businesses or organizations that are subject to the provisions of K.S.A. 39-970, 65-516 or 65-5117, and amendments thereto, or K.S.A. 2018 Supp. 39-2009 or 75-53,105, and amendments thereto.

(b) A qualified entity may request the Kansas bureau of investigation to conduct a state and national criminal history record check on any person who will serve as a provider, or is currently a provider with such entity. The qualified entity may request a state and national criminal history record check by submitting the following:

(1) The person's fingerprints; and

(2) a copy of a completed and signed statement furnished by the qualified entity that includes:

(A) A waiver permitting the qualified entity to request and receive a criminal history record check for the purpose of determining the person's qualification and fitness to serve as a provider;

(B) the name, address and date of birth of the person as it appears on a valid identification document;

(C) a disclosure of whether or not the person has ever been convicted of or is the subject of pending charges for a criminal offense and, if convicted, a description of the crime and the result of the conviction; and

(D) a notice to the person that they are entitled to obtain a copy of the criminal history record check to challenge the accuracy and completeness of any information contained in any such report before any final determination is made by the qualified entity.

(c) A qualified entity is authorized to require a person to be fingerprinted and to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The qualified entity shall use the fingerprints to identify the person and to determine whether the person has a record of criminal history in this state or other jurisdictions or countries. The qualified entity may use the information obtained from the fingerprints and such state and national criminal history record checks in the official determination of the qualifications and fitness of the person to be permitted to serve as a provider.

(d) Local and state law enforcement officers and agencies shall assist the qualified entity in taking and processing a person's fingerprints as authorized by this section.

(e) The Kansas bureau of investigation shall release all records of the person's adult convictions and diversions, and adult convictions and diversions from another state, jurisdiction or country, to the qualified entity to make a final determination of the qualification of such person to serve as a provider.

(f) A qualified entity shall be solely responsible for making any determination that a person's criminal history record shows that such person has been convicted of a crime that bears upon the fitness of such person to serve as a provider. This section does not require the Kansas bureau of investigation to make such a determination on behalf of any qualified entity.";

On page 3, following line 38, by inserting:

"Sec. 7. K.S.A. 2018 Supp. 9-513c is hereby amended to read as follows: 9-513c. (a) Notwithstanding any other provision of law, all information or reports obtained and prepared by the commissioner in the course of licensing or examining a person engaged in money transmission business shall be confidential and may not be disclosed by the commissioner except as provided in subsection (c) or (d).

(b)-(4) All confidential information shall be the property of the state of Kansas and shall not be subject to disclosure except upon the written approval of the state bank commissioner.

~~(2) The provisions of this subsection shall expire on June 30, 2019, unless the legislature acts to reenact such provisions. The provisions of this paragraph shall be reviewed by the legislature prior to July 1, 2019.~~

(c) (1) The commissioner shall have the authority to share supervisory information, including reports of examinations, with other state or federal agencies having regulatory authority over the person's money transmission business and shall have the authority to conduct joint examinations with other regulatory agencies.

(2) The requirements under any federal or state law regarding the confidentiality of any information or material provided to the nationwide multi-state licensing system, and any privilege arising under federal or state law, including the rules of any federal or state court, with respect to such information or material, shall continue to apply to such information or material after the information or material has been disclosed to the system. Such information and material may be shared with all state and federal regulatory officials with financial services industry oversight authority without the loss of confidentiality protections provided by federal and state laws.

(d) The commissioner may provide for the release of information to law enforcement agencies or prosecutorial agencies or offices who shall maintain the confidentiality of the information.

(e) The commissioner may accept a report of examination or investigation from another state or federal licensing agency, in which the accepted report is an official report of the commissioner. Acceptance of an examination or investigation report does not waive any fee required by this act.

(f) Nothing shall prohibit the commissioner from releasing to the public a list of persons licensed or their agents or from releasing aggregated financial data on such persons.

(g) The provisions of subsection (a) shall expire on July 1, 2021, unless the legislature acts to reauthorize such provisions. The provisions of subsection (a) shall be reviewed by the legislature prior to July 1, 2021.

Sec. 8. K.S.A. 2018 Supp. 40-3407 is hereby amended to read as follows: 40-3407.

(a) Except for investment purposes, all payments from the fund shall be upon warrants of the state of Kansas issued pursuant to vouchers approved by the executive director or the executive director's designee, and, with respect to claim payments, accompanied by:

(1) A file stamped copy of a final judgment against a healthcare provider or inactive

healthcare provider for which the fund is liable; or (2) a file stamped copy of a court approved settlement against a healthcare provider or inactive healthcare provider for which the fund is liable.

(b) For investment purposes amounts shall be paid from the fund upon vouchers approved by the chairperson of the pooled money investment board.

(c)-(4) Payments from the fund for attorney fees, expert witness fees, and other costs related to claims, including invoices, statements and other documentation thereof, shall not be subject to K.S.A. 45-218, and amendments thereto.

~~(2) The provisions of this subsection shall expire on June 30, 2019, unless the legislature acts to reenact such provisions. The provisions of this section shall be reviewed by the legislature prior to July 1, 2019.~~

Sec. 9. K.S.A. 2018 Supp. 45-229 is hereby amended to read as follows: 45-229.

(a) It is the intent of the legislature that exceptions to disclosure under the open records act shall be created or maintained only if:

- (1) The public record is of a sensitive or personal nature concerning individuals;
- (2) the public record is necessary for the effective and efficient administration of a governmental program; or
- (3) the public record affects confidential information.

The maintenance or creation of an exception to disclosure must be compelled as measured by these criteria. Further, the legislature finds that the public has a right to have access to public records unless the criteria in this section for restricting such access to a public record are met and the criteria are considered during legislative review in connection with the particular exception to disclosure to be significant enough to override the strong public policy of open government. To strengthen the policy of open government, the legislature shall consider the criteria in this section before enacting an exception to disclosure.

(b) Subject to the provisions of subsections (g) and (h), any new exception to disclosure or substantial amendment of an existing exception shall expire on July 1 of the fifth year after enactment of the new exception or substantial amendment, unless the legislature acts to continue the exception. A law that enacts a new exception or substantially amends an existing exception shall state that the exception expires at the end of five years and that the exception shall be reviewed by the legislature before the scheduled date.

(c) For purposes of this section, an exception is substantially amended if the amendment expands the scope of the exception to include more records or information. An exception is not substantially amended if the amendment narrows the scope of the exception.

(d) This section is not intended to repeal an exception that has been amended following legislative review before the scheduled repeal of the exception if the exception is not substantially amended as a result of the review.

(e) In the year before the expiration of an exception, the revisor of statutes shall certify to the president of the senate and the speaker of the house of representatives, by July 15, the language and statutory citation of each exception that will expire in the following year ~~which that~~ meets the criteria of an exception as defined in this section. Any exception that is not identified and certified to the president of the senate and the speaker of the house of representatives is not subject to legislative review and shall not expire. If the revisor of statutes fails to certify an exception that the revisor

subsequently determines should have been certified, the revisor shall include the exception in the following year's certification after that determination.

(f) "Exception" means any provision of law that creates an exception to disclosure or limits disclosure under the open records act pursuant to K.S.A. 45-221, and amendments thereto, or pursuant to any other provision of law.

(g) A provision of law that creates or amends an exception to disclosure under the open records law shall not be subject to review and expiration under this act if such provision:

- (1) Is required by federal law;
- (2) applies solely to the legislature or to the state court system;
- (3) has been reviewed and continued in existence twice by the legislature; or
- (4) has been reviewed and continued in existence by the legislature during the 2013 legislative session and thereafter.

(h) (1) The legislature shall review the exception before its scheduled expiration and consider as part of the review process the following:

- (A) What specific records are affected by the exception;
- (B) whom does the exception uniquely affect, as opposed to the general public;
- (C) what is the identifiable public purpose or goal of the exception;
- (D) whether the information contained in the records may be obtained readily by alternative means and how it may be obtained;

(2) an exception may be created or maintained only if it serves an identifiable public purpose and may be no broader than is necessary to meet the public purpose it serves. An identifiable public purpose is served if the legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exception and if the exception:

(A) Allows the effective and efficient administration of a governmental program, ~~which administration that~~ would be significantly impaired without the exception;

(B) protects information of a sensitive personal nature concerning individuals, the release of ~~which such~~ information would be defamatory to such individuals or cause unwarranted damage to the good name or reputation of such individuals or would jeopardize the safety of such individuals. Only information that would identify the individuals may be excepted under this paragraph; or

(C) protects information of a confidential nature concerning entities, including, but not limited to, a formula, pattern, device, combination of devices, or compilation of information ~~which that~~ is used to protect or further a business advantage over those who do not know or use it, if the disclosure of ~~which such~~ information would injure the affected entity in the marketplace.

(3) Records made before the date of the expiration of an exception shall be subject to disclosure as otherwise provided by law. In deciding whether the records shall be made public, the legislature shall consider whether the damage or loss to persons or entities uniquely affected by the exception of the type specified in paragraph (2)(B) or (2)(C) would occur if the records were made public.

(i) (1) Exceptions contained in the following statutes as continued in existence in section 2 of chapter 126 of the 2005 Session Laws of Kansas and that have been reviewed and continued in existence twice by the legislature as provided in subsection (g) are hereby continued in existence: 1-401, 2-1202, 5-512, 9-1137, 9-1712, 9-2217, 10-630, 11-306, 12-189, 12-1,108, 12-1694, 12-1698, 12-2819, 12-4516, 16-715, 16a-2-

304, 17-1312c, 17-2227, 17-5832, 17-7511, 17-7514, 17-76,139, 19-4321, 21-2511, 22-3711, 22-4707, 22-4909, 22a-243, 22a-244, 23-605, 23-9,312, 25-4161, 25-4165, 31-405, 34-251, 38-2212, 39-709b, 39-719e, 39-934, 39-1434, 39-1704, 40-222, 40-2,156, 40-2c20, 40-2c21, 40-2d20, 40-2d21, 40-409, 40-956, 40-1128, 40-2807, 40-3012, 40-3304, 40-3308, 40-3403b, 40-3421, 40-3613, 40-3805, 40-4205, 44-510j, 44-550b, 44-594, 44-635, 44-714, 44-817, 44-1005, 44-1019, 45-221(a)(1) through (43), 46-256, 46-259, 46-2201, 47-839, 47-844, 47-849, 47-1709, 48-1614, 49-406, 49-427, 55-1,102, 58-4114, 59-2135, 59-2802, 59-2979, 59-29b79, 60-3333, 60-3336, 65-102b, 65-118, 65-119, 65-153f, 65-170g, 65-177, 65-1,106, 65-1,113, 65-1,116, 65-1,157a, 65-1,163, 65-1,165, 65-1,168, 65-1,169, 65-1,171, 65-1,172, 65-436, 65-445, 65-507, 65-525, 65-531, 65-657, 65-1135, 65-1467, 65-1627, 65-1831, 65-2422d, 65-2438, 65-2836, 65-2839a, 65-2898a, 65-3015, 65-3447, 65-34,108, 65-34,126, 65-4019, 65-4922, 65-4925, 65-5602, 65-5603, 65-6002, 65-6003, 65-6004, 65-6010, 65-67a05, 65-6803, 65-6804, 66-101c, 66-117, 66-151, 66-1,190, 66-1,203, 66-1220a, 66-2010, 72-996, 72-4311, 72-4452, 72-5214, 72-53,106, 72-5427, 72-8903, 73-1228, 74-2424, 74-2433f, 74-4905, 74-4909, 74-50,131, 74-5515, 74-7308, 74-7338, 74-8104, 74-8307, 74-8705, 74-8804, 74-9805, 75-104, 75-712, 75-7b15, 75-1267, 75-2943, 75-4332, 75-4362, 75-5133, 75-5266, 75-5665, 75-5666, 75-7310, 76-355, 76-359, 76-493, 76-12b11, 76-3305, 79-1119, 79-1437f, 79-3234, 79-3395, 79-3420, 79-3499, 79-34,113, 79-3614, 79-3657, 79-4301 and 79-5206.

(2) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) and that have been reviewed during the 2015 legislative session and continued in existence by the legislature as provided in subsection (g) are hereby continued in existence: 17-2036, 40-5301, 45-221(a)(45), (46) and (49), 48-16a10, 58-4616, 60-3351, 72-972a, 74-50,217 and 75-53,105.

(j) (1) Exceptions contained in the following statutes as continued in existence in section 1 of chapter 87 of the 2006 Session Laws of Kansas and that have been reviewed and continued in existence twice by the legislature as provided in subsection (g) are hereby continued in existence: 1-501, 9-1303, 12-4516a, 39-970, 65-525, 65-5117, 65-6016, 65-6017 and 74-7508.

(2) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during 2015 and that have been reviewed during the 2016 legislative session are hereby continued in existence: 12-5611, 22-4906, 22-4909, 38-2310, 38-2311, 38-2326, 40-955, 44-1132, 45-221(a)(10)(F) and (a)(50), 60-3333, 65-4a05, 65-445(g), 65-6154, 71-218, 75-457, 75-712c, 75-723 and 75-7c06.

(k) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) and that have been reviewed during the 2014 legislative session and continued in existence by the legislature as provided in subsection (g) are hereby continued in existence: 1-205, 2-2204, 8-240, 8-247, 8-255c, 8-1324, 8-1325, 12-17,150, 12-2001, 17-12a607, 38-1008, 38-2209, 40-5006, 40-5108, 41-2905, 41-2906, 44-706, 44-1518, 45-221(a)(44), (45), (46), (47) and (48), 50-6a11, 56-1a610, 56a-1204, 65-1,243, 65-16,104, 65-3239, 74-50,184, 74-8134, 74-99b06, 77-503a and 82a-2210.

(l) Exceptions contained in the following statutes as certified by the revisor of

statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during 2016 and that have been reviewed during the 2017 legislative session are hereby continued in existence: 12-5711, 21-2511, 22-4909, 38-2313, 45-221(a)(51) and (52), 65-516, 65-1505, 74-2012, 74-5607, 74-8745, 74-8752, 74-8772, 75-7d01, 75-7d05, 75-5133, 75-7427 and 79-3234.

(m) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during 2012 and that have been reviewed during the 2013 legislative session and continued in existence by the legislature as provided in subsection (g) are hereby continued in existence: 12-5811, 40-222, 40-223j, 40-5007a, 40-5009a, 40-5012a, 65-1685, 65-1695, 65-2838a, 66-1251, 66-1805, 72-60c01, 75-712 and 75-5366.

(n) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) and that have been reviewed during the 2018 legislative session are hereby continued in existence: 9-513c(c)(2), 39-709, 45-221(a)(26), (53) and (54), 65-6832, 65-6834, 75-7c06 and 75-7c20.

(o) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) that have been reviewed during the 2019 legislative session are hereby continued in existence: 21-2511(h)(2), 21-5905(a)(7), 22-2302(b) and (c), 22-2502(d) and (e), 40-222(k)(7), 44-714(e), 45-221(a)(55), 46-1106(g) regarding 46-1106(i), 65-2836(i), 65-2839a(c), 65-2842(d), 65-28a05(n), article 6(d) of 65-6230, 72-6314(a) and 74-7047(b).";

On page 4, in line 41, by striking "3" and inserting "6";

On page 7, in line 35, by striking "3" and inserting "6";

On page 8, in line 23, by striking "3" and inserting "6";

On page 10, in line 2, by striking "of a claim" and inserting "in an action, proceeding or investigation"; in line 9, after "Supp." by inserting "9-513c, 40-3407, 45-229 and";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "public agencies; establishing the Kansas closed case task force; creating the Kansas criminal justice reform commission; relating to the Kansas bureau of investigation; criminal history record checks for entities providing care to children, the elderly or individuals with disabilities; relating to"; in line 7, after the semicolon by inserting "relating to the Kansas open records act; legislative review of exceptions to disclosure of public records"; in line 10, after "Supp." by inserting "9-513c, 40-3407, 45-229 and";

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

RICK WILBORN

ERIC RUCKER

VIC MILLER

Conferees on part of Senate

FRED PATTON

BRAD RALPH

JOHN CARMICHAEL

Conferees on part of House

Senator Wilborn moved the Senate adopt the Conference Committee Report on **HB 2290**.

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Wagle, Ware, Wilborn.

Nays: Tyson.

The Conference Committee Report was adopted.

On motion of Senator Denning, the Senate recessed until 4:00 p.m.

The Senate met pursuant to recess with Vice President Longbine in the chair.

MESSAGE FROM THE HOUSE

The House announce the appointment of Representatives Waymaster, Hoffman and Wolfe Moore as conferees on **HB 2203**.

The House announced the appointment of Representatives Patton, Ralph and Carmichael as conferees on **HB 2248**.

The House announced the appointment of Representatives Patton, Ralph and Carmichael as conferees on **SB 28**.

The House announced the appointment of Representatives Johnson, Mason and Gartner as conferees on **HB 2140**.

ORIGINAL MOTION

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **HB 2033**.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MADAM PRESIDENT: Your committee on conference on Senate amendments to **HB 2033** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

SUSAN WAGLE

DAN KERSCHEN

Conferees on part of Senate

STEVEN JOHNSON

LES MASON

Conferees on part of House

On motion of Senator Wagle the Senate adopted the conference committee report on **HB 2033**, and requested a new conference be appointed.

The Vice President appointed Senators Wagle, Kerschen and Holland as a second Conference Committee on the part of the Senate on **HB 2033**.

REPORT ON ENROLLED BILLS

SB 16 reported correctly enrolled, properly signed and presented to the Governor on April 6, 2019.

SB 15, SB 67, SB 70, SB 78 reported correctly enrolled, properly signed and presented to the Governor on April 12, 2019.

SCR 1612 reported correctly enrolled, properly signed and presented to the Secretary of State on April 9, 2019.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Thursday, May 2, 2019.

Journal of the Senate

FIFTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, May 2, 2019, 10:00 a.m.

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

Lord, You said in 2 Chronicles 7:14, that if Your people, people called by Your Name and declaring Your Name, would humble themselves and pray and turn away from corrupt, sinful attitudes and actions, it would be the key, key to Your hearing our prayers, forgiving our sins and healing our nation.

So, Lord, we come before You on this "National Day of Prayer." A day that's been set aside, for everyone; to turn to You, in both prayer and meditation. And Lord, we thank You for the privilege of both. In our closet of prayer, as we temporarily shut the door on interferences, we find in Hebrews 4:15-16, that we can humbly yet boldly, come before Your throne sharing whatever is on our hearts.

And in meditation, we can find that still, quiet place on the inside where we can listen and wait on a Word from You, to get the help, the direction and the guidance we need for the present and for what lies ahead. Thank You Lord, for Your loving response to our Knee-Mail! I come to You in the precious Name of Jesus, Amen.

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF BILLS AND SENATE RESOLUTIONS

SB 241, AN ACT concerning state funds; relating to the local ad valorem tax reduction fund, county and city revenue sharing fund and job creation program fund; transfers from or credits to such funds; prior specific authorization by an act of the legislature or an appropriation act of the legislature required; amending K.S.A. 74-50,107 and K.S.A. 2018 Supp. 79-2959 and 79-2964 and repealing the existing sections, by Committee on Ways and Means.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1741—

A RESOLUTION honoring the outstanding achievements
of William James "Bill" Noble.

WHEREAS, William James "Bill" Noble of Milford, Kansas, was one of the most

successful race car drivers in Sports Car Club of America (SCCA) history, achieving five SCCA National Championships and 13 podium finishes over the course of his career; and

WHEREAS, A worldwide icon in the field of motorsport, Noble represented the United States at South Africa's Kyalami circuit in 1986. Noble received the Road Racing Driver's Club Mark Donohue Award in 1989 and the Valvoline ProVee Championship in 1994; and

WHEREAS, In addition to his success as a driver, Noble was renowned among his fellow racers for his expertise in engine building. According to the SCCA, Noble was "a pillar and driving force in the Formula Vee class," and his famous "At Track Service" was instrumental in assuring "an unprecedented level playing field" for Formula Vee racers. In 2011, the SCCA recognized Noble's engines, designated by the famous "Engine by Noble" sticker, for leading Formula Vee racers to 25 National Championships; and

WHEREAS, In 2013, Noble was posthumously inducted into the SCCA Hall of Fame Class for his many contributions to motorsport; and

WHEREAS, The Kansas Region of the SCCA grants the Bill Noble Award to drivers who embody Noble's shining standard in mechanical expertise, driving and sportsmanship; and

WHEREAS, Noble was also a noted and highly skilled marksman, qualifying twice as an alternate for the U.S.A. Olympic Trap Shooting Team and winning the World Fliers Championship in 1984: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we honor the outstanding achievements of William James "Bill" Noble; and

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

On emergency motion of Senator Holland **SR 1741** was adopted unanimously.

Senators Alley, Holland and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1742—

A RESOLUTION recognizing Tom Hedrick
for his accomplished and outstanding sports broadcasting career.

WHEREAS, Tom Hedrick has been a sports broadcaster since the 1960s, lending his voice to many different collegiate and national programs for over 60 years, including the first Super Bowl; and

WHEREAS, Mr. Hedrick has served as the voice of the Kansas City Chiefs, the University of Nebraska Cornhuskers, and the Cincinnati Reds; and

WHEREAS, Mr. Hedrick also announced play-by-plays for the Texas Rangers and the Dallas Cowboys; and

WHEREAS, On national airwaves, Mr. Hedrick announced as a color commentator for the first Super Bowl at the age of 32; and

WHEREAS, He also announced for ABC's "WideWorld of Sports" from 1968 through 1975 and for CBS's coverage for the Cotton Bowl from 1970 through 1979; and

WHEREAS, Mr. Hedrick was a play-by-play announcer for Super Bowl II in 1968 and Super Bowl IV in 1970; and

WHEREAS, Mr. Hedrick is one of two broadcasters still alive from the 1967 inaugural Super Bowl; and

WHEREAS, Mr. Hedrick served as Sports Director for Kaleidoscope Dallas-Fort Worth, otherwise known as KDFW, in Dallas, Texas, from 1973 through 1975, and as Director of the Kansas University Sports Network in 1975; and

WHEREAS, The University of Kansas has benefited from Mr. Hedrick's experience and knowledge as he taught sports broadcasting courses for many years; and

WHEREAS, He was also the voice for the University of Kansas basketball and football for sixteen years, from 1960 through 1967 and from 1975 through 1983, as well as the voice of Jayhawk baseball for 35 years, at different times; and

WHEREAS, Until recently, Mr. Hedrick was an instructor of Mass Media and Communication at his alma mater, Baker University in Baldwin City, where he retired from teaching and called his last Baker Wildcat Football game this past fall; and

WHEREAS, Eight different schools, including the University of Kansas, use his textbook, "The Art of Sportscasting"; and

WHEREAS, Mr. Hedrick has been recognized for his achievements numerous times, including being named the Kansas Sportscaster of the year in 1960, 1961, 1963, 1964, 1965, and 1966, and Missouri Sportscaster of the year in 1970; and

WHEREAS, Mr. Hedrick earned his Bachelor of Arts from Baker University and a Master of Arts from the University of Kansas; and

WHEREAS, Baker University honored Mr. Hedrick and awarded him an Honorary Doctorate of Letters in December 2018; and

WHEREAS, Mr. Hedrick has been supported in his career by his wife, Lee, and his daughter, Nancy: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize Tom Hedrick for his accomplished and outstanding sports broadcasting career of over 60 years and for his major contributions to Kansas and national sports broadcasting; and

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

On emergency motion of Senator Alley **SR 1742** was adopted unanimously.

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

SENATE RESOLUTION No. 1743—

A RESOLUTION recognizing Rick Riggs
for his many years of service and dedication to the State of Kansas.

WHEREAS, Ralph Richard "Rick" Riggs began his honorable career of 43 years with the State of Kansas in 1975, working at the Kansas Department of Corrections, where he worked as a correctional and parole officer; and

WHEREAS, Rick continued his service to Kansas as a management analyst for the Kansas Corporation Commission; and

WHEREAS, In 1984, Rick began his long and storied career in the Kansas Legislative Division of Post Audit as a staff auditor; and

WHEREAS, From 1998 through 2018, Rick served as the Division of Post Audit's Administrative Auditor, where he assisted the Post Auditor in implementing the Division's policies, procedures and hiring process. He oversaw the Division's auditor training and development, compliance with federal auditing standards and many other

crucial tasks and assignments; and

WHEREAS, During his 35 years of service in the Legislative Division of Post Audit, Rick garnered an extensive understanding of government performance auditing, becoming not only an expert in his office but a respected institutional figure; and

WHEREAS, Working under three Post Auditors, Rick proved to be a crucial and reliable source of information, ensuring effective, efficient and smooth transitions for incoming Post Auditors and in the overall administration of the Division; and

WHEREAS, Rick earned his Bachelor of Arts in Psychology from Washburn University and his Master's in Public Administration from the University of Kansas. Rick also earned a Project Management Certificate from the Employment Security Systems Institute; and

WHEREAS, Rick is supported in his endeavors by his wife, Perrin, with whom he has co-owned a local dog-training company since 2000: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize Rick Riggs for his many years of service and dedication to the State of Kansas, especially to the Legislative Division of Post Audit, and we wish him all the best during his well-deserved retirement; and

Be it further resolved: Because long-standing public servants are essential to government, the State of Kansas appreciates and celebrates Rick as a dedicated employee and all of his work for the state; and

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

On emergency motion of Senator Lynn **SR 1743** was adopted unanimously.

REPORTS OF STANDING COMMITTEES

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

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

By the Governor:

Secretary, Department of Labor: K.S.A. 75-5701

Delia Garcia, serves at the pleasure of the Governor.

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

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

By the Governor:

Commissioner, Kansas Corporation Commission: K.S.A. 74-601

Susan Duffy, to fill a term expiring on March 15, 2023

On motion of Senator Denning, the Senate recessed until 2:00 p.m.

The Senate met pursuant to recess with Vice President Longbine in the chair.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report to agree to disagree on **HB 2033**, and has appointed Representatives Johnson, Mason and Gartner as second conferees on the part of the House.

The House adopts the Conference Committee report on **HB 2223**.

Announcing the House herewith transmits certificate of action by the House of Representatives on **SB 67**, AN ACT concerning abortion; relating to medication abortions; notification requirements.

The veto message from the Governor having been received, a motion was made that not withstanding the Governor's objection to **SB 67**, the bill be passed. By a vote of 82 Yeas and 43 Nays, the motion not having receive the required two-thirds constitutional majority of the members elected or appointed to the House of Representatives, voting in the affirmative, the bill did not pass and the veto was sustained.

POINT OF PERSONAL PRIVILEGE

Senator Faust-Goudeau rose on a Point of Personal Privilege to recognize the following guests who were in Kansas for the 100th Annual USBC National Bowling Tournament: Rhonda Golden, Linn Rubley, and Peggy Meier.

On motion of Senator Denning, the Senate recessed until 3:30 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with Vice President Longbine in the chair.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report to agree to disagree on **SB 28**, and has appointed Representatives Patton, Ralph and Carmichael as Second conferees on the part of the House.

ORIGINAL MOTION

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **SB 28**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 28** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

FRED PATTON

BRAD RALPH

JOHN CARMICHAEL

Conferees on part of House

GENE SULLENTROP

ED BERGER

Conferees on part of House

On motion of Senator Suellentrop the Senate adopted the conference committee report on **SB 28**, and requested a new conference be appointed.

The Vice President appointed Senators Suellentrop, Berger and Bollier as a second Conference Committee on the part of the Senate on **SB 28**.

On motion of Senator Denning, the Senate recessed until 4:30 p.m.

The Senate met pursuant to recess with Vice President Longbine in the chair.

ORIGINAL MOTION

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **HB 2140**.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MADAM PRESIDENT: Your committee on conference on Senate amendments to **HB 2033** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 16, following line 43, by inserting:

"Sec. 3. K.S.A. 2018 Supp. 79-32,117 is hereby amended to read as follows: 79-32,117. (a) The Kansas adjusted gross income of an individual means such individual's federal adjusted gross income for the taxable year, with the modifications specified in this section.

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

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

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

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

(iv) Federal income tax refunds received by the taxpayer if the deduction of the taxes being refunded resulted in a tax benefit for Kansas income tax purposes during a prior taxable year. Such refunds shall be included in income in the year actually received regardless of the method of accounting used by the taxpayer. For purposes hereof, a tax benefit shall be deemed to have resulted if the amount of the tax had been deducted in determining income subject to a Kansas income tax for a prior year

regardless of the rate of taxation applied in such prior year to the Kansas taxable income, but only that portion of the refund shall be included as bears the same proportion to the total refund received as the federal taxes deducted in the year to which such refund is attributable bears to the total federal income taxes paid for such year. For purposes of the foregoing sentence, federal taxes shall be considered to have been deducted only to the extent such deduction does not reduce Kansas taxable income below zero.

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

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

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

(viii) The amount of any costs incurred for improvements to a swine facility, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2018 Supp. 79-32,204, and amendments thereto.

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

(x) Amounts received as nonqualified withdrawals, as defined by K.S.A. 2018 Supp. 75-643, and amendments thereto, if, at the time of contribution to a family postsecondary education savings account, such amounts were subtracted from the federal adjusted gross income pursuant to K.S.A. 79-32,117(c)(xv), and amendments thereto, or if such amounts are not already included in the federal adjusted gross income.

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

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

(xiii) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2018 Supp. 79-32,217 through 79-32,220 or 79-32,222, and amendments thereto.

(xiv) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2018 Supp. 79-32,221, and amendments thereto.

(xv) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2018 Supp. 79-32,223 through 79-32,226, 79-32,228 through 79-32,231, 79-32,233 through 79-32,236, 79-32,238 through 79-32,241, 79-32,245 through 79-32,248 or 79-32,251 through 79-32,254, and amendments thereto.

(xvi) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2018 Supp. 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250 or 79-32,255, and amendments thereto.

(xvii) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2018 Supp. 79-32,256, and amendments thereto.

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

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

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

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

(xxii) For taxable years beginning after December 31, 2012, and ending before

January 1, 2017, the amount of any deduction for health insurance under section 162(l) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for domestic production activities under section 199 of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid for medical care of the taxpayer or the taxpayer's spouse or dependents when such expenses were paid or incurred for an abortion, or for a health benefit plan, as defined in K.S.A. 65-6731, and amendments thereto, for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2018 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xxv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid by a taxpayer for health care when such expenses were paid or incurred for abortion coverage, a health benefit plan, as defined in K.S.A. 65-6731, and amendments thereto, when such expenses were paid or incurred for abortion coverage or amounts contributed to health savings accounts for such taxpayer's employees for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2018 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as a deduction for federal income tax purposes.

(xxvi) For all taxable years beginning after December 31, 2016, the amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 72-99a07, and amendments thereto, and is also claimed as an itemized deduction for federal income tax purposes.

(xxvii) For all taxable years commencing after December 31, 2016, the amount of any deduction claimed under section 965(c) of the federal internal revenue code of 1986, in determining federal adjusted gross income.

(xxviii) For all taxable years commencing after December 31, 2017, the amount of any deduction claimed under section 250(a)(1)(B) of the federal internal revenue code of 1986.

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

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

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

(iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which

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

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

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

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

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

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

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

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

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

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

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

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

on schedule E and included on line 17 of the taxpayer's form 1040 federal individual income tax return.

(xv) For all taxable years beginning after December 31, 2006, amounts not exceeding \$3,000, or \$6,000 for a married couple filing a joint return, for each designated beneficiary which are contributed to a family postsecondary education savings account established under the Kansas postsecondary education savings program or a qualified tuition program established and maintained by another state or agency or instrumentality thereof pursuant to section 529 of the internal revenue code of 1986, as amended, for the purpose of paying the qualified higher education expenses of a designated beneficiary at an institution of postsecondary education. The terms and phrases used in this paragraph shall have the meaning respectively ascribed thereto by the provisions of K.S.A. 2018 Supp. 75-643, and amendments thereto, and the provisions of such section are hereby incorporated by reference for all purposes thereof.

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

(xvii) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are eligible members of the Kansas army and air national guard as a reimbursement pursuant to K.S.A. 48-281, and amendments thereto, and amounts received for death benefits pursuant to K.S.A. 48-282, and amendments thereto, or pursuant to section 1 or section 2 of chapter 207 of the 2005 Session Laws of Kansas, and amendments thereto, to the extent that such death benefits are included in federal adjusted gross income of the taxpayer.

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

(xix) Amounts received by retired employees of Washburn university as retirement and pension benefits under the university's retirement plan.

(xx) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any: (1) Net profit from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) net income, not including guaranteed payments as defined in section 707(c) of the federal internal revenue code and as reported to the taxpayer from federal schedule K-1, (form 1065-B), in box 9, code F or as reported to the taxpayer from federal schedule K-1, (form 1065) in box 4,

from rental real estate, royalties, partnerships, S corporations, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) net farm profit as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent included in the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011 and as revised thereafter by the internal revenue service.

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

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

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

(xxiv) For taxable years beginning after December 31, 2013, and ending before January 1, 2017, the net gain from the sale from Christmas trees grown in Kansas and held by the taxpayer for six years or more.

(xxv) For all taxable years commencing after December 31, 2016, 100% of deferred foreign income under section 965(a) of the federal internal revenue code of 1986, before any deductions allowed under section 965(c) of such code.

(xxvi) For the tax year commencing after December 31, 2017, and ending before January 1, 2019, 95% of global intangible low-taxed income under section 951A of the federal internal revenue code of 1986, before any deductions allowed under section 250(a)(1)(B) of such code.

(xxvii) For all taxable years commencing after December 31, 2018, 100% of global intangible low-taxed income under section 951A of the federal internal revenue code of 1986, before any deductions allowed under section 250(a)(1)(B) of such code.

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

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

(f) No taxpayer shall be assessed penalties and interest from the underpayment of taxes due to changes to this section that became law on July 1, 2017, so long as such underpayment is rectified on or before April 17, 2018.

(g) Any changes to this section that became law on July 1, 2019, shall be applied retroactively to the dates indicated in those subsections.

Sec. 4. K.S.A. 2018 Supp. 79-32,120 is hereby amended to read as follows: 79-32,120. (a) (1) For all tax years prior to tax year 2019, if federal taxable income of an individual is determined by itemizing deductions from such individual's federal adjusted gross income, such individual may elect to deduct the Kansas itemized deduction in lieu of the Kansas standard deduction. For tax year 2019, and all tax years thereafter, an individual may elect to deduct the Kansas itemized deduction in lieu of the Kansas standard deduction regardless of whether or not such individual's federal taxable income is determined by itemizing deductions from such individual's federal adjusted gross income.

~~(2) For the tax year commencing on January 1, 2013, the Kansas itemized deduction of an individual means 70% of the total amount of deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section.~~

~~(3) For the tax year commencing on January 1, 2014, the Kansas itemized deduction of an individual means 65% of the total amount of deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section.~~

~~(4) For the tax years commencing on and after January 1, 2015, and ending before January 1, 2018, the Kansas itemized deduction of an individual means the following deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section: (A) 100% of charitable contributions that qualify as charitable contributions allowable as deductions in section 170 of the federal internal revenue code; (B) 50% of the amount of qualified residence interest as provided in section 163(h) of the federal internal revenue code; and (C) 50% of the amount of taxes on real and personal property as provided in section 164(a) of the federal internal revenue code.~~

~~(5)(3) For the tax year commencing on and after January 1, 2018, and ending before January 1, 2019, the Kansas itemized deduction of an individual means the following deductions from federal adjusted gross income, other than federal deductions~~

for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section: (A) 100% of charitable contributions that qualify as charitable contributions allowable as deductions in section 170 of the federal internal revenue code; (B) 50% of expenses for medical care allowable as deductions in section 213 of the federal internal revenue code; (C) 50% of the amount of qualified residence interest as provided in section 163(h) of the federal internal revenue code; and (D) 50% of the amount of taxes on real and personal property as provided in section 164(a) of the federal internal revenue code.

~~(6)~~(4) For the tax year commencing on and after January 1, 2019, and ending before January 1, 2020, the Kansas itemized deduction of an individual means the following deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section: (A) 100% of charitable contributions that qualify as charitable contributions allowable as deductions in section 170 of the federal internal revenue code; (B) 75% of expenses for medical care allowable as deductions in section 213 of the federal internal revenue code; (C) 75% of the amount of qualified residence interest as provided in section 163(h) of the federal internal revenue code; and (D) 75% of the amount of taxes on real and personal property as provided in section 164(a) of the federal internal revenue code.

~~(7)~~(5) For the tax years commencing on and after January 1, 2020, the Kansas itemized deduction of an individual means the following deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section: (A) 100% of charitable contributions that qualify as charitable contributions allowable as deductions in section 170 of the federal internal revenue code; (B) 100% of expenses for medical care allowable as deductions in section 213 of the federal internal revenue code; (C) 100% of the amount of qualified residence interest as provided in section 163(h) of the federal internal revenue code; and (D) 100% of the amount of taxes on real and personal property as provided in section 164(a) of the federal internal revenue code.

(b) The total amount of deductions from federal adjusted gross income shall be reduced by the total amount of income taxes imposed by or paid to this state or any other taxing jurisdiction to the extent that the same are deducted in determining the federal itemized deductions and by the amount of all depreciation deductions claimed for any real or tangible personal property upon which the deduction allowed by K.S.A. 2018 Supp. 79-32,221, 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250, 79-32,255 or 79-32,256, and amendments thereto, is or has been claimed.

Sec. 5. K.S.A. 2018 Supp. 79-32,138 is hereby amended to read as follows: 79-32,138. (a) Kansas taxable income of a corporation taxable under this act shall be the corporation's federal taxable income for the taxable year with the modifications specified in this section, except that in determination of such federal taxable income for all taxable years commencing after December 31, 2018, section 118 of the federal internal revenue code of 1986 will be applied as in effect on December 21, 2017.

(b) There shall be added to federal taxable income: (i) The same modifications as are set forth in K.S.A. 79-32,117(b), and amendments thereto, with respect to resident individuals, except subsections (b)(xix), (b)(xx), (b)(xxi), (b)(xxii) and (b)(xxiii);

(ii) the amount of all depreciation deductions claimed for any property upon which

the deduction allowed by K.S.A. 2018 Supp. 79-32,221, 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250, 79-32,255 or 79-32,256, and amendments thereto, is claimed;

(iii) the amount of any charitable contribution deduction claimed for any contribution or gift to or for the use of any racially segregated educational institution;

(iv) for taxable years commencing December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid by a taxpayer for health care when such expenses were paid or incurred for abortion coverage, a health benefit plan, as defined in K.S.A. 65-6731, and amendments thereto, when such expenses were paid or incurred for abortion coverage or amounts contributed to health savings accounts for such taxpayer's employees for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2018 Supp. 40-2,190, and amendments thereto;

(v) the amount of any charitable contribution deduction claimed for any contribution or gift made to a scholarship granting organization to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 72-4357, and amendments thereto; and

(vi) the federal net operating loss deduction.

(c) There shall be subtracted from federal taxable income: (i) The same modifications as are set forth in K.S.A. 79-32,117(c), and amendments thereto, with respect to resident individuals, except subsection (c)(xx);

(ii) the federal income tax liability for any taxable year commencing prior to December 31, 1971, for which a Kansas return was filed after reduction for all credits thereon, except credits for payments on estimates of federal income tax, credits for gasoline and lubricating oil tax, and for foreign tax credits if, on the Kansas income tax return for such prior year, the federal income tax deduction was computed on the basis of the federal income tax paid in such prior year, rather than as accrued. Notwithstanding the foregoing, the deduction for federal income tax liability for any year shall not exceed that portion of the total federal income tax liability for such year which bears the same ratio to the total federal income tax liability for such year as the Kansas taxable income, as computed before any deductions for federal income taxes and after application of subsections (d) and (e) of this section as existing for such year, bears to the federal taxable income for the same year;

(iii) an amount for the amortization deduction allowed pursuant to K.S.A. 2018 Supp. 79-32,221, 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250, 79-32,255 or 79-32,256, and amendments thereto;

(iv) for all taxable years commencing after December 31, 1987, the amount included in federal taxable income pursuant to the provisions of section 78 of the internal revenue code; ~~and~~

(v) for all taxable years commencing after December 31, 1987, 80% of dividends from corporations incorporated outside of the United States or the District of Columbia which are included in federal taxable income. This paragraph does not apply to amounts excluded from income pursuant to K.S.A. 79-32,117(c)(xxv), (xxvi) and (xxvii), and amendments thereto, or amounts added back pursuant to K.S.A. 79-32,117(b)(xxvii) and (xxviii), and amendments thereto; and

(vi) for all taxable years commencing after December 31, 2018, the amount disallowed as a deduction pursuant to section 162(r) of the federal internal revenue code

of 1986, as in effect on January 1, 2018.

(d) If any corporation derives all of its income from sources within Kansas in any taxable year commencing after December 31, 1979, its Kansas taxable income shall be the sum resulting after application of subsections (a) through (c) ~~hereof~~. Otherwise, such corporation's Kansas taxable income in any such taxable year, after excluding any refunds of federal income tax and before the deduction of federal income taxes provided by subsection (c)(ii) shall be allocated as provided in K.S.A. 79-3271 ~~to~~ through K.S.A. 79-3293, ~~inclusive~~, and amendments thereto, plus any refund of federal income tax as determined under K.S.A. 79-32,117(b)(iv), and amendments thereto, and minus the deduction for federal income taxes as provided by subsection (c)(ii) shall be such corporation's Kansas taxable income.

(e) A corporation may make an election with respect to its first taxable year commencing after December 31, 1982, whereby no addition modifications as provided for in subsection (b)(ii) and subtraction modifications as provided for in subsection (c) (iii) as those subsections existed prior to their amendment by this act, shall be required to be made for such taxable year.

New Sec. 6. Sections 6 through 15, and amendments thereto, shall be known and may be cited as the Kansas main street parity act.

New Sec. 7. As used in the Kansas main street parity act:

(a) "Act" means the Kansas main street parity act.

(b) "Affiliated person" means a person that, with respect to another person: (1) Has an ownership interest of more than 5%, whether direct or indirect, in the other person; or (2) is related to the other person because a third person, or group of third persons who are affiliated persons with respect to each other, holds an ownership interest of more than 5%, whether direct or indirect, in the related persons.

(c) "Cumulative gross receipts" means gross receipts as defined in K.S.A. 79-3602, and amendments thereto, and includes the gross receipts received by the marketplace facilitator from its own direct sales combined with the gross receipts received from sales it facilitates for sellers or marketplace sellers.

(d) "Department" means the Kansas department of revenue.

(e) (1) "Marketplace facilitator" means a person that, pursuant to an agreement with a marketplace seller, facilitates sales by such marketplace seller through a physical or electronic marketplace operated by the person, and:

(A) Engages directly or indirectly, through one or more affiliated persons in any of the following:

(i) Transmitting or otherwise communicating the offer or acceptance between a buyer and marketplace seller;

(ii) owning or operating the infrastructure, electronic or physical, or technology that brings buyers and marketplace sellers together;

(iii) providing a virtual currency that buyers are allowed or required to use to purchase products from the marketplace seller; or

(iv) software development or research and development activities related to any of the activities described in this subsection, if such activities are directly related to a physical or electronic marketplace operated by the person or an affiliated person; and

(B) engages in any of the following activities with respect to the marketplace seller's products:

(i) Payment processing services;

- (ii) fulfillment, delivery or storage services;
- (iii) listing products for sale;
- (iv) setting prices;
- (v) branding sales as those of the marketplace facilitator;
- (vi) order taking;
- (vii) advertising or promotion; or
- (viii) providing customer service or accepting or assisting with returns or exchanges.

(2) A "marketplace facilitator" does not include a person that provides internet advertising services, including listing products for sale, so long as the person does not also engage in any of the activities described in subsection (e)(1)(A), in addition to any of the activities described in subsection (e)(1)(B).

(f) "Marketplace seller" means a seller that makes retail sales through any physical or electronic marketplaces operated by a marketplace facilitator regardless of whether the seller is required to be registered with the department.

(g) "Platform" means an electronic or physical medium, including a website or catalog, operated by a referrer.

(h) "Referral" means the transfer by a referrer of a potential customer to a seller or marketplace seller that advertises or lists products for sale on the referrer's platform.

(i) (1) "Referrer" means a person, other than a person engaging in the business of printing a newspaper or publishing a newspaper, that contracts or otherwise agrees with a seller or marketplace seller to list or advertise for sale one or more items in any medium, including a website or catalog; receives a commission, fee or other consideration from the seller for the listing or advertisement; transfers, via telephone, internet link, or other means, a purchaser to a seller, marketplace seller or an affiliated person to complete the sale; and does not collect receipts from the purchasers for the transaction.

(2) "Referrer" does not include a person that:

(A) Provides internet advertising services; and

(B) does not ever provide either the seller's or the marketplace seller's shipping terms or advertise whether the seller or marketplace seller charges sales tax.

(j) "Sale" or "sales" shall have the same meaning as defined in K.S.A. 79-3602(kk), and amendments thereto, whether or not such sales qualify for a sales tax exemption.

(k) "Seller" shall have the same meaning as defined in K.S.A. 79-3602(mm), and amendments thereto, and includes marketplace facilitators, whether making sales in the seller's own right or on behalf of marketplace sellers.

(l) "Tax" means the sales tax imposed under K.S.A. 79-3603, and amendments thereto, or the use tax imposed under K.S.A. 79-3703, and amendments thereto.

(m) "Transaction" means a sale of tangible personal property or a service by a marketplace seller including, but not limited to, all such marketplace seller's transactions for tangible personal property or a service, however consummated, including transactions completed on a website operated by:

(1) The marketplace seller;

(2) an affiliated person; or

(3) a contract party, including a marketplace facilitator.

(n) The meaning ascribed to words and phrases in K.S.A. 79-3602, and amendments thereto, insofar as practicable, shall be applicable herein unless otherwise

provided.

New Sec. 8. (a) On and after October 1, 2019, any marketplace facilitator that meets the criteria in subsection (b) or that has a physical presence in this state, must collect and remit retail sales or use tax on all taxable retail sales made or facilitated by the marketplace facilitator into this state pursuant to this act. Marketplace facilitators meeting the requirements of subsection (b) must begin collecting state and local retail sales or use taxes on taxable retail sales made or facilitated by the marketplace facilitator sourced to this state beginning on the first day of the next calendar month that is at least 30 days from the date that the marketplace facilitator met the threshold described in subsection (b).

(b) A marketplace facilitator is subject to subsection (a) if:

(1) (A) For calendar year 2018, the marketplace facilitator made or facilitated retail sales sourced to this state in excess of \$100,000 of cumulative gross receipts from retail sales sourced to this state;

(B) for the period beginning on January 1, 2019, through September 30, 2019, the marketplace facilitator made or facilitated retail sales sourced to this state in excess of \$100,000 of cumulative gross receipts from retail sales sourced to this state; or

(C) during the current or immediately preceding calendar year, the marketplace facilitator made or facilitated retail sales sourced to this state in excess of \$100,000 of cumulative gross receipts from retail sales sourced to this state.

(2) (A) For any marketplace facilitator who satisfies the provisions of subsection (b)(1), such marketplace facilitator shall not be required to collect and remit any taxes from sales occurring prior to October 1, 2019.

(B) For any marketplace facilitator who satisfies the provisions of subsection (b)(1) (C) for sales in the current calendar year for the first time, such marketplace facilitator shall be required to collect and remit the tax on any sales made or facilitated in excess of the \$100,000 of cumulative gross receipts from sales in the current calendar year by the marketplace facilitator to customers in this state.

New Sec. 9. (a) In addition to other applicable recordkeeping requirements, the department may require a marketplace facilitator or referrer to provide or make available to the department any information the department determines is reasonably necessary to enforce the provisions of this act, the Kansas retailers' sales tax act and the Kansas compensating tax act. Such information may include documentation of sales made by marketplace sellers through the marketplace facilitator's physical or electronic marketplace. The department may prescribe by rules and regulations the form and manner for providing this information.

(b) A marketplace facilitator is relieved of liability under this act for failure to collect the correct amount of tax to the extent that the marketplace facilitator can show to the department's satisfaction that the error was due to incorrect information given to the marketplace facilitator by the marketplace seller, unless the marketplace facilitator and marketplace seller are affiliated persons. When the marketplace facilitator is relieved of liability under this subsection, the marketplace seller is solely liable for the amount of uncollected tax due.

(c) Except as otherwise provided in this section, a marketplace seller otherwise obligated to collect the taxes imposed under this act is not required to collect such taxes on all taxable retail sales through a marketplace operated by a marketplace facilitator if the marketplace seller entered into an agreement with the marketplace facilitator

indicating that the marketplace facilitator is registered with the department and will collect all applicable taxes due under this act, the Kansas retailers' sales tax act or the Kansas compensating tax act on all taxable retail sales made on behalf of the marketplace seller through the marketplace operated by the marketplace facilitator. This subsection does not relieve a marketplace seller from liability for uncollected taxes due under this act, the Kansas retailers' sales tax act or the Kansas compensating tax act resulting from a marketplace facilitator's failure to collect the proper amount of tax due when the error was due to insufficient or incorrect information given to the marketplace facilitator by the marketplace seller.

(d) No class action may be brought against a marketplace facilitator in any court of this state on behalf of purchasers arising from or in any way related to an overpayment of sales or use tax collected by the marketplace facilitator or referrer, regardless of whether that claim is characterized as a tax refund claim. Nothing in this subsection affects a purchaser's right to seek a refund from the department as provided by the Kansas retailers' sales tax act.

New Sec. 10. (a) Except as otherwise provided in this act, taxes imposed under the Kansas retailers' sales tax act or the Kansas compensating tax act and payable by a consumer directly to the department are due, on returns prescribed by the department, as prescribed by those acts.

(b) Nothing in this act affects the obligation of any purchaser from this state to remit retail sales or use tax as to any applicable taxable transaction in which the seller does not collect and remit retail sales or use tax.

New Sec. 11. (a) A marketplace facilitator that is subject to section 8, and amendments thereto, and is complying with the requirements of the Kansas retailers' sales tax act or the Kansas compensating tax act may only seek a recovery of retail sales and use taxes, penalties or interest from the department by following the recovery procedures established under the Kansas retailers' sales tax act. However, no claim may be granted on the basis that the taxpayer lacked a physical presence in this state and complied with the tax collection provisions of the Kansas retailers' sales tax act or the Kansas compensating tax act voluntarily.

(b) Neither the state nor any marketplace facilitator that collects and remits retail sales or use tax under section 8, and amendments thereto, is liable to a purchaser that claims that the retail sales or use tax has been over-collected because a provision of this act is later deemed unlawful.

New Sec. 12. A marketplace seller, or a marketplace facilitator that is obligated to collect the taxes imposed under this act, the Kansas retailers' sales tax act or Kansas compensating tax act must also collect all other applicable taxes and fees in effect as of the effective date of this section. For purposes of this section, "taxes and fees" means any monetary exaction, regardless of its label, imposed on a buyer and that the marketplace seller or marketplace facilitator is required to collect and pay over to the department.

Beginning on October 1, 2019, the collection and remittance obligation of a marketplace facilitator under this act also applies to any other taxes and fees, as defined under this section, that are imposed on a retail sale made or facilitated by the marketplace facilitator, whether in its own right or as an agent of a marketplace seller, regardless of whether the marketplace seller has a tax collection obligation.

New Sec. 13. Except as otherwise provided in this act, the provisions of K.S.A. 79-

3601 through 79-3696, and amendments thereto, relating to enforcement, collection and administration, insofar as practicable, shall have full force and effect with respect to taxes imposed under the provisions of the Kansas main street parity act.

New Sec. 14. The secretary of revenue shall adopt such rules and regulations as deemed necessary for the administration of this act.

New Sec. 15. If any provision of the Kansas main street parity act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

New Sec. 16. (a) There is hereby levied and there shall be collected and paid a tax upon the gross receipts from the sale of food and food ingredients. The rate of tax shall be 6.5%, except as otherwise provided pursuant to section 17, and amendments thereto.

(b) The provisions of this section shall not apply to prepared food, unless sold without eating utensils provided by the seller and described below:

(1) Food sold by a seller whose proper primary NAICS classification is manufacturing in sector 311, except subsector 3118 (bakeries);

(2) (A) food sold in an unheated state by weight or volume as a single item; or

(B) only meat or seafood sold in an unheated state by weight or volume as a single item;

(3) bakery items, including bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, danish, cakes, tortes, pies, tarts, muffins, bars, cookies and tortillas;

(4) food sold that ordinarily requires additional cooking, as opposed to just reheating, by the consumer prior to consumption; or

(5) bottled water that is not otherwise sold as prepared food.

(c) The provisions of this section shall be a part of and supplemental to the Kansas retailers' sales tax act.

New Sec. 17. (a) Commencing with fiscal year 2019, in any fiscal year in which an increase in revenue attributable to the Kansas compensating use tax provided in K.S.A. 79-3703, and amendments thereto, exceeds the revenue of the base year amount plus 3% annually, the director of legislative research shall certify such excess amount by September 1 to the secretary of revenue and the director of the budget. Upon receipt of such certified amount, the secretary shall compute as follows:

For calculating a reduction in the state rate for sales and compensating use taxes on food and food ingredients, the certified amount from subsection (a) in dollars shall be computed by the secretary for a reduction rounded down to the nearest 0.1% in the sales and compensating use tax rates on food and food ingredients, if any, to go into effect for the next calendar year that would reduce the revenue from sales and compensating use taxes on food and food ingredients in an amount approximately equal to the amount computed by the secretary. Such rate reductions shall remain in effect unless further reduced pursuant to this section. The rate reductions pursuant to this section shall be applied until the state rates for sales and compensating use taxes on food and food ingredients are reduced to 0%. The secretary shall publish the new sales and compensating use tax rates to take effect on July 1 for calendar year 2020; and on January 1 for all calendar years thereafter, by October 1 of the preceding year. In the event that the amount provided in subsection (a) does not exceed the base year amount, the reduction in the state rate for sales and compensating use tax on food and food ingredients is 0%. The state rate for sales and compensating use taxes shall not increase

when revenue pursuant to subsection (a) is less than the base year amount.

(b) As used in this section, "base year amount" means the revenue attributable to the Kansas compensating use tax provided in K.S.A. 79-3703, and amendments thereto, for fiscal year 2018.

Sec. 18. K.S.A. 2018 Supp. 79-3602 is hereby amended to read as follows: 79-3602. Except as otherwise provided, as used in the Kansas retailers' sales tax act:

(a) "Agent" means a person appointed by a seller to represent the seller before the member states.

(b) "Agreement" means the multistate agreement entitled the streamlined sales and use tax agreement approved by the streamlined sales tax implementing states at Chicago, Illinois on November 12, 2002.

(c) "Alcoholic beverages" means beverages that are suitable for human consumption and contain 0.05% or more of alcohol by volume.

(d) "Certified automated system (CAS)" means software certified under the agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state and maintain a record of the transaction.

(e) "Certified service provider (CSP)" means an agent certified under the agreement to perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on its own purchases.

(f) "Computer" means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions.

(g) "Computer software" means a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task.

(h) "Delivered electronically" means delivered to the purchaser by means other than tangible storage media.

(i) "Delivery charges" means charges by the seller of personal property or services for preparation and delivery to a location designated by the purchaser of personal property or services including, but not limited to, transportation, shipping, postage, handling, crating and packing. Delivery charges shall not include charges for delivery of direct mail if the charges are separately stated on an invoice or similar billing document given to the purchaser.

(j) "Direct mail" means printed material delivered or distributed by United States mail or other delivery services to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items are not billed directly to the recipients. Direct mail includes tangible personal property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material. Direct mail does not include multiple items of printed material delivered to a single address.

(k) "Director" means the state director of taxation.

(l) "Educational institution" means any nonprofit school, college and university that offers education at a level above the 12th grade, and conducts regular classes and courses of study required for accreditation by, or membership in, the higher learning commission, the state board of education, or that otherwise qualify as an "educational institution," as defined by K.S.A. 74-50,103, and amendments thereto. Such phrase shall include: (1) A group of educational institutions that operates exclusively for an educational purpose; (2) nonprofit endowment associations and foundations organized

and operated exclusively to receive, hold, invest and administer moneys and property as a permanent fund for the support and sole benefit of an educational institution; (3) nonprofit trusts, foundations and other entities organized and operated principally to hold and own receipts from intercollegiate sporting events and to disburse such receipts, as well as grants and gifts, in the interest of collegiate and intercollegiate athletic programs for the support and sole benefit of an educational institution; and (4) nonprofit trusts, foundations and other entities organized and operated for the primary purpose of encouraging, fostering and conducting scholarly investigations and industrial and other types of research for the support and sole benefit of an educational institution.

(m) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

(n) "Food and food ingredients" means substances, whether in liquid, concentrated, solid, frozen, dried or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. "Food and food ingredients" does not include alcoholic beverages, dietary supplements or tobacco. "Food and food ingredients" does include bottled water, candy, food sold through vending machines or soft drinks.

(o) "Gross receipts" means the total selling price or the amount received as defined in this act, in money, credits, property or other consideration valued in money from sales at retail within this state; and embraced within the provisions of this act. The taxpayer, may take credit in the report of gross receipts for: (1) An amount equal to the selling price of property returned by the purchaser when the full sale price thereof, including the tax collected, is refunded in cash or by credit; and (2) an amount equal to the allowance given for the trade-in of property.

(p) "Ingredient or component part" means tangible personal property which is necessary or essential to, and which is actually used in and becomes an integral and material part of tangible personal property or services produced, manufactured or compounded for sale by the producer, manufacturer or compounder in its regular course of business. The following items of tangible personal property are hereby declared to be ingredients or component parts, but the listing of such property shall not be deemed to be exclusive nor shall such listing be construed to be a restriction upon, or an indication of, the type or types of property to be included within the definition of "ingredient or component part" as herein set forth:

(1) Containers, labels and shipping cases used in the distribution of property produced, manufactured or compounded for sale which are not to be returned to the producer, manufacturer or compounder for reuse.

(2) Containers, labels, shipping cases, paper bags, drinking straws, paper plates, paper cups, twine and wrapping paper used in the distribution and sale of property taxable under the provisions of this act by wholesalers and retailers and which is not to be returned to such wholesaler or retailer for reuse.

(3) Seeds and seedlings for the production of plants and plant products produced for resale.

(4) Paper and ink used in the publication of newspapers.

(5) Fertilizer used in the production of plants and plant products produced for resale.

(6) Feed for animals, fowl and aquatic plants and animals, the primary purpose of which is use in agriculture or aquaculture, as defined in K.S.A. 47-1901, and

amendments thereto, the production of food for human consumption, the production of animal, dairy, poultry or aquatic plant and animal products, fiber, fur, or the production of offspring for use for any such purpose or purposes.

(q) "Isolated or occasional sale" means the nonrecurring sale of tangible personal property, or services taxable hereunder by a person not engaged at the time of such sale in the business of selling such property or services. Any religious organization which makes a nonrecurring sale of tangible personal property acquired for the purpose of resale shall be deemed to be not engaged at the time of such sale in the business of selling such property. Such term shall include: (1) Any sale by a bank, savings and loan institution, credit union or any finance company licensed under the provisions of the Kansas uniform consumer credit code of tangible personal property which has been repossessed by any such entity; and (2) any sale of tangible personal property made by an auctioneer or agent on behalf of not more than two principals or households if such sale is nonrecurring and any such principal or household is not engaged at the time of such sale in the business of selling tangible personal property.

(r) "Lease or rental" means any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. A lease or rental may include future options to purchase or extend.

(1) Lease or rental does not include: (A) A transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments;

(B) a transfer or possession or control of property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price does not exceed the greater of \$100 or 1% of the total required payments; or

(C) providing tangible personal property along with an operator for a fixed or indeterminate period of time. A condition of this exclusion is that the operator is necessary for the equipment to perform as designed. For the purpose of this subsection, an operator must do more than maintain, inspect or set-up the tangible personal property.

(2) Lease or rental does include agreements covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon sale or disposition of the property as defined in 26 U.S.C. § 7701(h)(1).

(3) This definition shall be used for sales and use tax purposes regardless if a transaction is characterized as a lease or rental under generally accepted accounting principles, the internal revenue code, the uniform commercial code, K.S.A. 84-1-101 et seq., and amendments thereto, or other provisions of federal, state or local law.

(4) This definition will be applied only prospectively from the effective date of this act and will have no retroactive impact on existing leases or rentals.

(s) "Load and leave" means delivery to the purchaser by use of a tangible storage media where the tangible storage media is not physically transferred to the purchaser.

(t) "Member state" means a state that has entered in the agreement, pursuant to provisions of article VIII of the agreement.

(u) "Model 1 seller" means a seller that has selected a CSP as its agent to perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on its own purchases.

(v) "Model 2 seller" means a seller that has selected a CAS to perform part of its

sales and use tax functions, but retains responsibility for remitting the tax.

(w) "Model 3 seller" means a seller that has sales in at least five member states, has total annual sales revenue of at least \$500,000,000, has a proprietary system that calculates the amount of tax due each jurisdiction and has entered into a performance agreement with the member states that establishes a tax performance standard for the seller. As used in this subsection a seller includes an affiliated group of sellers using the same proprietary system.

(x) "Municipal corporation" means any city incorporated under the laws of Kansas.

(y) "Nonprofit blood bank" means any nonprofit place, organization, institution or establishment that is operated wholly or in part for the purpose of obtaining, storing, processing, preparing for transfusing, furnishing, donating or distributing human blood or parts or fractions of single blood units or products derived from single blood units, whether or not any remuneration is paid therefor, or whether such procedures are done for direct therapeutic use or for storage for future use of such products.

(z) "Persons" means any individual, firm, copartnership, joint adventure, association, corporation, estate or trust, receiver or trustee, or any group or combination acting as a unit, and the plural as well as the singular number; and shall specifically mean any city or other political subdivision of the state of Kansas engaging in a business or providing a service specifically taxable under the provisions of this act.

(aa) "Political subdivision" means any municipality, agency or subdivision of the state which is, or shall hereafter be, authorized to levy taxes upon tangible property within the state or which certifies a levy to a municipality, agency or subdivision of the state which is, or shall hereafter be, authorized to levy taxes upon tangible property within the state. Such term also shall include any public building commission, housing, airport, port, metropolitan transit or similar authority established pursuant to law and the horsethief reservoir benefit district established pursuant to K.S.A. 82a-2201, and amendments thereto.

(bb) "Prescription" means an order, formula or recipe issued in any form of oral, written, electronic or other means of transmission by a duly licensed practitioner authorized by the laws of this state.

(cc) "Prewritten computer software" means computer software, including prewritten upgrades, which is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof does not cause the combination to be other than prewritten computer software. Prewritten computer software includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the purchaser. Where a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person's modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software, except that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for such modification or enhancement, such modification or enhancement shall not constitute prewritten computer software.

(dd) "Property which is consumed" means tangible personal property which is

essential or necessary to and which is used in the actual process of and consumed, depleted or dissipated within one year in: (1) The production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property; (2) the providing of services; (3) the irrigation of crops, for sale in the regular course of business; or (4) the storage or processing of grain by a public grain warehouse or other grain storage facility, and which is not reusable for such purpose. The following is a listing of tangible personal property, included by way of illustration but not of limitation, which qualifies as property which is consumed:

(A) Insecticides, herbicides, germicides, pesticides, fungicides, fumigants, antibiotics, biologicals, pharmaceuticals, vitamins and chemicals for use in commercial or agricultural production, processing or storage of fruit, vegetables, feeds, seeds, grains, animals or animal products whether fed, injected, applied, combined with or otherwise used;

(B) electricity, gas and water; and

(C) petroleum products, lubricants, chemicals, solvents, reagents and catalysts.

(ee) "Purchase price" applies to the measure subject to use tax and has the same meaning as sales price.

(ff) "Purchaser" means a person to whom a sale of personal property is made or to whom a service is furnished.

(gg) "Quasi-municipal corporation" means any county, township, school district, drainage district or any other governmental subdivision in the state of Kansas having authority to receive or hold moneys or funds.

(hh) "Registered under this agreement" means registration by a seller with the member states under the central registration system provided in article IV of the agreement.

(ii) "Retailer" means a seller regularly engaged in the business of selling, leasing or renting tangible personal property at retail or furnishing electrical energy, gas, water, services or entertainment, and selling only to the user or consumer and not for resale.

(jj) "Retail sale" or "sale at retail" means any sale, lease or rental for any purpose other than for resale, sublease or subrent.

(kk) "Sale" or "sales" means the exchange of tangible personal property, as well as the sale thereof for money, and every transaction, conditional or otherwise, for a consideration, constituting a sale, including the sale or furnishing of electrical energy, gas, water, services or entertainment taxable under the terms of this act and including, except as provided in the following provision, the sale of the use of tangible personal property by way of a lease, license to use or the rental thereof regardless of the method by which the title, possession or right to use the tangible personal property is transferred. The term "sale" or "sales" shall not mean the sale of the use of any tangible personal property used as a dwelling by way of a lease or rental thereof for a term of more than 28 consecutive days.

(ll) (1) "Sales or selling price" applies to the measure subject to sales tax and means the total amount of consideration, including cash, credit, property and services, for which personal property or services are sold, leased or rented, valued in money, whether received in money or otherwise, without any deduction for the following:

(A) The seller's cost of the property sold;

(B) the cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller and any other expense of the

seller;

(C) charges by the seller for any services necessary to complete the sale, other than delivery and installation charges;

(D) delivery charges; and

(E) installation charges.

(2) "Sales or selling price" includes consideration received by the seller from third parties if:

(A) The seller actually receives consideration from a party other than the purchaser and the consideration is directly related to a price reduction or discount on the sale;

(B) the seller has an obligation to pass the price reduction or discount through to the purchaser;

(C) the amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale of the item to the purchaser; and

(D) one of the following criteria is met:

(i) The purchaser presents a coupon, certificate or other documentation to the seller to claim a price reduction or discount where the coupon, certificate or documentation is authorized, distributed or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate or documentation is presented;

(ii) the purchaser identifies to the seller that the purchaser is a member of a group or organization entitled to a price reduction or discount. A preferred customer card that is available to any patron does not constitute membership in such a group; or

(iii) the price reduction or discount is identified as a third party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate or other documentation presented by the purchaser.

(3) "Sales or selling price" shall not include:

(A) Discounts, including cash, term or coupons that are not reimbursed by a third party that are allowed by a seller and taken by a purchaser on a sale;

(B) interest, financing and carrying charges from credit extended on the sale of personal property or services, if the amount is separately stated on the invoice, bill of sale or similar document given to the purchaser;

(C) any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale or similar document given to the purchaser;

(D) the amount equal to the allowance given for the trade-in of property, if separately stated on the invoice, billing or similar document given to the purchaser; and

(E) commencing on July 1, 2018, and ending on June 30, 2021, cash rebates granted by a manufacturer to a purchaser or lessee of a new motor vehicle if paid directly to the retailer as a result of the original sale.

(mm) "Seller" means a person making sales, leases or rentals of personal property or services.

(nn) "Service" means those services described in and taxed under the provisions of K.S.A. 79-3603, and amendments thereto.

(oo) "Sourcing rules" means the rules set forth in K.S.A. 2018 Supp. 79-3670 through 79-3673, K.S.A. 12-191 and 12-191a, and amendments thereto, which shall apply to identify and determine the state and local taxing jurisdiction sales or use taxes to pay, or collect and remit on a particular retail sale.

(pp) "Tangible personal property" means personal property that can be seen,

weighed, measured, felt or touched, or that is in any other manner perceptible to the senses. Tangible personal property includes electricity, water, gas, steam and prewritten computer software.

(qq) "Taxpayer" means any person obligated to account to the director for taxes collected under the terms of this act.

(rr) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco or any other item that contains tobacco.

(ss) "Entity-based exemption" means an exemption based on who purchases the product or who sells the product. An exemption that is available to all individuals shall not be considered an entity-based exemption.

(tt) "Over-the-counter drug" means a drug that contains a label that identifies the product as a drug as required by 21 C.F.R. § 201.66. The over-the-counter drug label includes: (1) A drug facts panel; or (2) a statement of the active ingredients with a list of those ingredients contained in the compound, substance or preparation. Over-the-counter drugs do not include grooming and hygiene products such as soaps, cleaning solutions, shampoo, toothpaste, antiperspirants and sun tan lotions and screens.

(uu) "Ancillary services" means services that are associated with or incidental to the provision of telecommunications services, including, but not limited to, detailed telecommunications billing, directory assistance, vertical service and voice mail services.

(vv) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call and may include the provision of a telephone number. Conference bridging service does not include the telecommunications services used to reach the conference bridge.

(ww) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.

(xx) "Directory assistance" means an ancillary service of providing telephone number information or address information, or both.

(yy) "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and to manage multiple calls and call connections, including conference bridging services.

(zz) "Voice mail service" means an ancillary service that enables the customer to store, send or receive recorded messages. Voice mail service does not include any vertical services that the customer may be required to have in order to utilize the voice mail service.

(aaa) "Telecommunications service" means the electronic transmission, conveyance or routing of voice, data, audio, video or any other information or signals to a point, or between or among points. The term telecommunications service includes such transmission, conveyance or routing in which computer processing applications are used to act on the form, code or protocol of the content for purposes of transmissions, conveyance or routing without regard to whether such service is referred to as voice over internet protocol services or is classified by the federal communications commission as enhanced or value added. Telecommunications service does not include:

(1) Data processing and information services that allow data to be generated, acquired, stored, processed or retrieved and delivered by an electronic transmission to a

purchaser where such purchaser's primary purpose for the underlying transaction is the processed data or information;

- (2) installation or maintenance of wiring or equipment on a customer's premises;
- (3) tangible personal property;
- (4) advertising, including, but not limited to, directory advertising;
- (5) billing and collection services provided to third parties;
- (6) internet access service;
- (7) radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance and routing of such services by the programming service provider. Radio and television audio and video programming services shall include, but not be limited to, cable service as defined in 47 U.S.C. § 522(6) and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. § 20.3;
- (8) ancillary services; or
- (9) digital products delivered electronically, including, but not limited to, software, music, video, reading materials or ring tones.

(bbb) "800 service" means a telecommunications service that allows a caller to dial a toll-free number without incurring a charge for the call. The service is typically marketed under the name 800, 855, 866, 877 and 888 toll-free calling, and any subsequent numbers designated by the federal communications commission.

(ccc) "900 service" means an inbound toll telecommunications service purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service. 900 service does not include the charge for collection services provided by the seller of the telecommunications services to the subscriber, or service or product sold by the subscriber to the subscriber's customer. The service is typically marketed under the name 900 service, and any subsequent numbers designated by the federal communications commission.

(ddd) "Value-added non-voice data service" means a service that otherwise meets the definition of telecommunications services in which computer processing applications are used to act on the form, content, code or protocol of the information or data primarily for a purpose other than transmission, conveyance or routing.

(eee) "International" means a telecommunications service that originates or terminates in the United States and terminates or originates outside the United States, respectively. United States includes the District of Columbia or a U.S. territory or possession.

(fff) "Interstate" means a telecommunications service that originates in one United States state, or a United States territory or possession, and terminates in a different United States state or a United States territory or possession.

(ggg) "Intrastate" means a telecommunications service that originates in one United States state or a United States territory or possession, and terminates in the same United States state or a United States territory or possession.

(hhh) "Bottled water" means water that is placed in a safety sealed container or package for human consumption. "Bottled water" is calorie free and does not contain sweeteners or other additives, except that it may contain:

- (1) Antimicrobial agents;
- (2) fluoride;
- (3) carbonation;

(4) vitamins, minerals and electrolytes;

(5) oxygen;

(6) preservatives; or

(7) only those flavors, extracts or essences derived from a spice or fruit.

"Bottled water" includes water that is delivered to the buyer in a reusable container that is not sold with the water.

(iii) "Candy" means a preparation of sugar, honey or other natural or artificial sweeteners in combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops or pieces. "Candy" shall not include any preparation containing flour and shall require no refrigeration.

(jii) "Food sold through vending machines" means food dispensed from a machine or other mechanical device that accepts payment.

(iii) "Prepared food" means:

(1) Food sold in a heated state or heated by the seller;

(2) two or more food ingredients mixed or combined by the seller for sale as a single item; or

(3) food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins or straws. A plate does not include a container or packaging used to transport the food.

"Prepared food" does not include food that is only cut, repackaged or pasteurized by the seller, and eggs, fish, meat, poultry and foods containing these raw animal foods requiring cooking by the consumer as recommended by the food and drug administration in chapter 3, part 401.11 of its food code so as to prevent food borne illnesses.

(mmm) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" does not include beverages that contain milk or milk products, soy, rice or similar milk substitutes, or greater than 50% of vegetable or fruit juice by volume.

(nnn) "Dietary supplement" shall have the same meaning ascribed to it as in K.S.A. 79-3606(jii), and amendments thereto.

Sec. 19. K.S.A. 2018 Supp. 79-3603 is hereby amended to read as follows: 79-3603. For the privilege of engaging in the business of selling tangible personal property at retail in this state or rendering or furnishing any of the services taxable under this act, there is hereby levied and there shall be collected and paid a tax at the rate of ~~6.15%~~ and commencing July 1, 2015, at the rate of 6.5%, except as otherwise provided in section 16, and amendments thereto; and within a redevelopment district established pursuant to K.S.A. 74-8921, and amendments thereto, there is hereby levied and there shall be collected and paid an additional tax at the rate of 2% until the earlier of the date the bonds issued to finance or refinance the redevelopment project have been paid in full or the final scheduled maturity of the first series of bonds issued to finance any part of the project. Such tax shall be imposed upon:

(a) The gross receipts received from the sale of tangible personal property at retail within this state;

(b) the gross receipts from intrastate, interstate or international telecommunications services and any ancillary services sourced to this state in accordance with K.S.A. 2018 Supp. 79-3673, and amendments thereto, except that telecommunications service does not include: (1) Any interstate or international 800 or 900 service; (2) any interstate or

international private communications service as defined in K.S.A. 2018 Supp. 79-3673, and amendments thereto; (3) any value-added nonvoice data service; (4) any telecommunication service to a provider of telecommunication services which will be used to render telecommunications services, including carrier access services; or (5) any service or transaction defined in this section among entities classified as members of an affiliated group as provided by section 1504 of the federal internal revenue code of 1986, as in effect on January 1, 2001;

(c) the gross receipts from the sale or furnishing of gas, water, electricity and heat, which sale is not otherwise exempt from taxation under the provisions of this act, and whether furnished by municipally or privately owned utilities, except that, on and after January 1, 2006, for sales of gas, electricity and heat delivered through mains, lines or pipes to residential premises for noncommercial use by the occupant of such premises, and for agricultural use and also, for such use, all sales of propane gas, the state rate shall be 0%; and for all sales of propane gas, LP gas, coal, wood and other fuel sources for the production of heat or lighting for noncommercial use of an occupant of residential premises, the state rate shall be 0%, but such tax shall not be levied and collected upon the gross receipts from: (1) The sale of a rural water district benefit unit; (2) a water system impact fee, system enhancement fee or similar fee collected by a water supplier as a condition for establishing service; or (3) connection or reconnection fees collected by a water supplier;

(d) the gross receipts from the sale of meals or drinks furnished at any private club, drinking establishment, catered event, restaurant, eating house, dining car, hotel, drugstore or other place where meals or drinks are regularly sold to the public;

(e) the gross receipts from the sale of admissions to any place providing amusement, entertainment or recreation services including admissions to state, county, district and local fairs, but such tax shall not be levied and collected upon the gross receipts received from sales of admissions to any cultural and historical event which occurs triennially;

(f) the gross receipts from the operation of any coin-operated device dispensing or providing tangible personal property, amusement or other services except laundry services, whether automatic or manually operated;

(g) the gross receipts from the service of renting of rooms by hotels, as defined by K.S.A. 36-501, and amendments thereto, or by accommodation brokers, as defined by K.S.A. 12-1692, and amendments thereto, but such tax shall not be levied and collected upon the gross receipts received from sales of such service to the federal government and any agency, officer or employee thereof in association with the performance of official government duties;

(h) the gross receipts from the service of renting or leasing of tangible personal property except such tax shall not apply to the renting or leasing of machinery, equipment or other personal property owned by a city and purchased from the proceeds of industrial revenue bonds issued prior to July 1, 1973, in accordance with the provisions of K.S.A. 12-1740 through 12-1749, and amendments thereto, and any city or lessee renting or leasing such machinery, equipment or other personal property purchased with the proceeds of such bonds who shall have paid a tax under the provisions of this section upon sales made prior to July 1, 1973, shall be entitled to a refund from the sales tax refund fund of all taxes paid thereon;

(i) the gross receipts from the rendering of dry cleaning, pressing, dyeing and

laundry services except laundry services rendered through a coin-operated device whether automatic or manually operated;

(j) the gross receipts from the rendering of the services of washing and waxing of vehicles;

(k) the gross receipts from cable, community antennae and other subscriber radio and television services;

(l) (1) except as otherwise provided by paragraph (2), the gross receipts received from the sales of tangible personal property to all contractors, subcontractors or repairmen for use by them in erecting structures, or building on, or otherwise improving, altering, or repairing real or personal property.

(2) Any such contractor, subcontractor or repairman who maintains an inventory of such property both for sale at retail and for use by them for the purposes described by paragraph (1) shall be deemed a retailer with respect to purchases for and sales from such inventory, except that the gross receipts received from any such sale, other than a sale at retail, shall be equal to the total purchase price paid for such property and the tax imposed thereon shall be paid by the deemed retailer;

(m) the gross receipts received from fees and charges by public and private clubs, drinking establishments, organizations and businesses for participation in sports, games and other recreational activities, but such tax shall not be levied and collected upon the gross receipts received from: (1) Fees and charges by any political subdivision, by any organization exempt from property taxation pursuant to K.S.A. 79-201 *Ninth*, and amendments thereto, or by any youth recreation organization exclusively providing services to persons 18 years of age or younger which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for participation in sports, games and other recreational activities; and (2) entry fees and charges for participation in a special event or tournament sanctioned by a national sporting association to which spectators are charged an admission which is taxable pursuant to subsection (e);

(n) the gross receipts received from dues charged by public and private clubs, drinking establishments, organizations and businesses, payment of which entitles a member to the use of facilities for recreation or entertainment, but such tax shall not be levied and collected upon the gross receipts received from: (1) Dues charged by any organization exempt from property taxation pursuant to K.S.A. 79-201 *Eighth* and *Ninth*, and amendments thereto; and (2) sales of memberships in a nonprofit organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and whose purpose is to support the operation of a nonprofit zoo;

(o) the gross receipts received from the isolated or occasional sale of motor vehicles or trailers but not including: (1) The transfer of motor vehicles or trailers by a person to a corporation or limited liability company solely in exchange for stock securities or membership interest in such corporation or limited liability company; (2) the transfer of motor vehicles or trailers by one corporation or limited liability company to another when all of the assets of such corporation or limited liability company are transferred to such other corporation or limited liability company; or (3) the sale of motor vehicles or trailers which are subject to taxation pursuant to the provisions of K.S.A. 79-5101 et seq., and amendments thereto, by an immediate family member to another immediate family member. For the purposes of paragraph (3), immediate family

member means lineal ascendants or descendants, and their spouses. Any amount of sales tax paid pursuant to the Kansas retailers sales tax act on the isolated or occasional sale of motor vehicles or trailers on and after July 1, 2004, which the base for computing the tax was the value pursuant to K.S.A. 79-5105(a), (b)(1) and (b)(2), and amendments thereto, when such amount was higher than the amount of sales tax which would have been paid under the law as it existed on June 30, 2004, shall be refunded to the taxpayer pursuant to the procedure prescribed by this section. Such refund shall be in an amount equal to the difference between the amount of sales tax paid by the taxpayer and the amount of sales tax which would have been paid by the taxpayer under the law as it existed on June 30, 2004. Each claim for a sales tax refund shall be verified and submitted not later than six months from the effective date of this act to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of tax paid as provided by this act. All such refunds shall be paid from the sales tax refund fund, upon warrants of the director of accounts and reports pursuant to vouchers approved by the director of taxation or the director's designee. No refund for an amount less than \$10 shall be paid pursuant to this act. In determining the base for computing the tax on such isolated or occasional sale, the fair market value of any motor vehicle or trailer traded in by the purchaser to the seller may be deducted from the selling price;

(p) the gross receipts received for the service of installing or applying tangible personal property which when installed or applied is not being held for sale in the regular course of business, and whether or not such tangible personal property when installed or applied remains tangible personal property or becomes a part of real estate, except that no tax shall be imposed upon the service of installing or applying tangible personal property in connection with the original construction of a building or facility, the original construction, reconstruction, restoration, remodeling, renovation, repair or replacement of a residence or the construction, reconstruction, restoration, replacement or repair of a bridge or highway.

For the purposes of this subsection:

(1) "Original construction" shall mean the first or initial construction of a new building or facility. The term "original construction" shall include the addition of an entire room or floor to any existing building or facility, the completion of any unfinished portion of any existing building or facility and the restoration, reconstruction or replacement of a building, facility or utility structure damaged or destroyed by fire, flood, tornado, lightning, explosion, windstorm, ice loading and attendant winds, terrorism or earthquake, but such term, except with regard to a residence, shall not include replacement, remodeling, restoration, renovation or reconstruction under any other circumstances;

(2) "building" shall mean only those enclosures within which individuals customarily are employed, or which are customarily used to house machinery, equipment or other property, and including the land improvements immediately surrounding such building;

(3) "facility" shall mean a mill, plant, refinery, oil or gas well, water well, feedlot or any conveyance, transmission or distribution line of any cooperative, nonprofit, membership corporation organized under or subject to the provisions of K.S.A. 17-4601 et seq., and amendments thereto, or municipal or quasi-municipal corporation, including

the land improvements immediately surrounding such facility;

(4) "residence" shall mean only those enclosures within which individuals customarily live;

(5) "utility structure" shall mean transmission and distribution lines owned by an independent transmission company or cooperative, the Kansas electric transmission authority or natural gas or electric public utility; and

(6) "windstorm" shall mean straight line winds of at least 80 miles per hour as determined by a recognized meteorological reporting agency or organization;

(q) the gross receipts received for the service of repairing, servicing, altering or maintaining tangible personal property which when such services are rendered is not being held for sale in the regular course of business, and whether or not any tangible personal property is transferred in connection therewith. The tax imposed by this subsection shall be applicable to the services of repairing, servicing, altering or maintaining an item of tangible personal property which has been and is fastened to, connected with or built into real property;

(r) the gross receipts from fees or charges made under service or maintenance agreement contracts for services, charges for the providing of which are taxable under the provisions of subsection (p) or (q);

(s) on and after January 1, 2005, the gross receipts received from the sale of prewritten computer software and the sale of the services of modifying, altering, updating or maintaining prewritten computer software, whether the prewritten computer software is installed or delivered electronically by tangible storage media physically transferred to the purchaser or by load and leave;

(t) the gross receipts received for telephone answering services;

(u) the gross receipts received from the sale of prepaid calling service and prepaid wireless calling service as defined in K.S.A. 2018 Supp. 79-3673, and amendments thereto;

(v) all sales of bingo cards, bingo faces and instant bingo tickets by licensees under K.S.A. 2018 Supp. 75-5171 et seq., and amendments thereto, shall be exempt from taxes imposed pursuant to this section; and

(w) all sales of charitable raffle tickets in accordance with K.S.A. 2018 Supp. 75-5171 et seq., and amendments thereto, shall be exempt from taxes imposed pursuant to this section.

Sec. 20. K.S.A. 2018 Supp. 79-3620 is hereby amended to read as follows: 79-3620. (a) All revenue collected or received by the director of taxation from the taxes imposed by this act 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, less amounts withheld as provided in subsection (b) and amounts credited as provided in subsections (c), (d) and (e), to the credit of the state general fund.

(b) A refund fund, designated as "sales tax refund fund" not to exceed \$100,000 shall be set apart and maintained by the director from sales tax collections and estimated tax collections and held by the state treasurer for prompt payment of all sales tax refunds. Such fund shall be in such amount, within the limit set by this section, as the director shall determine is necessary to meet current refunding requirements under this act. In the event such fund as established by this section is, at any time, insufficient to provide for the payment of refunds due claimants thereof, the director shall certify

the amount of additional funds required to the director of accounts and reports who shall promptly transfer the required amount from the state general fund to the sales tax refund fund, and notify the state treasurer, who shall make proper entry in the records.

~~(c) (1) On July 1, 2010, the state treasurer shall credit 11.427% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.~~

~~(2) On July 1, 2011, the state treasurer shall credit 11.26% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.~~

~~(3) On July 1, 2012, the state treasurer shall credit 11.233% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.~~

~~(4) On July 1, 2013, the state treasurer shall credit 17.073% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.15%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.~~

~~(5) On July 1, 2015, the state treasurer shall credit 16.226% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.5%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.~~

~~(6) On July 1, 2016, and thereafter, the state treasurer shall credit 16.154% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.5%, and section 16, and amendments thereto, at the rates prescribed in K.S.A. 79-3603, and amendments thereto, and section 16 or 17, and amendments thereto, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.~~

(d) The state treasurer shall credit all revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, as certified by the director, from taxpayers doing business within that portion of a STAR bond project district occupied by a STAR bond project or taxpayers doing business with such entity financed by a STAR bond project as defined in K.S.A. 2018 Supp. 12-17,162, and amendments thereto, that was determined by the secretary of commerce to be of statewide as well as local importance or will create a major tourism area for the state or the project was designated as a STAR bond project as defined in K.S.A. 2018 Supp. 12-17,162, and amendments thereto, to the city bond finance fund, which fund is hereby created. The provisions of this subsection shall expire when the total of all amounts credited hereunder and under K.S.A. 79-3710(d), and amendments thereto, is sufficient to retire the special obligation bonds issued for the purpose of financing all or a portion of the costs of such STAR bond project.

(e) All revenue certified by the director of taxation as having been collected or received from the tax imposed by K.S.A. 79-3603(c), and amendments thereto, on the sale or furnishing of gas, water, electricity and heat for use or consumption within the intermodal facility district described in this subsection, shall be credited by the state treasurer to the state highway fund. Such revenue may be transferred by the secretary of

transportation to the rail service improvement fund pursuant to law. The provisions of this subsection shall take effect upon certification by the secretary of transportation that a notice to proceed has been received for the construction of the improvements within the intermodal facility district, but not later than December 31, 2010, and shall expire when the secretary of revenue determines that the total of all amounts credited hereunder and pursuant to K.S.A. 79-3710(e), and amendments thereto, is equal to \$53,300,000, but not later than December 31, 2045. Thereafter, all revenues shall be collected and distributed in accordance with applicable law. For all tax reporting periods during which the provisions of this subsection are in effect, none of the exemptions contained in K.S.A. 79-3601 et seq., and amendments thereto, shall apply to the sale or furnishing of any gas, water, electricity and heat for use or consumption within the intermodal facility district. As used in this subsection, "intermodal facility district" shall consist of an intermodal transportation area as defined by K.S.A. 12-1770a(oo), and amendments thereto, located in Johnson county within the polygonal-shaped area having Waverly Road as the eastern boundary, 191st Street as the southern boundary, Four Corners Road as the western boundary, and Highway 56 as the northern boundary, and the polygonal-shaped area having Poplar Road as the eastern boundary, 183rd Street as the southern boundary, Waverly Road as the western boundary, and the BNSF mainline track as the northern boundary, that includes capital investment in an amount exceeding \$150 million for the construction of an intermodal facility to handle the transfer, storage and distribution of freight through railway and trucking operations.

Sec. 21. K.S.A. 2018 Supp. 79-3702 is hereby amended to read as follows: 79-3702. For the purposes of this act: (a) "Purchase price" means the consideration paid or given or contracted to be paid or given by any person to the seller of an article of tangible personal property for the article purchased. The term shall include, in addition to the consideration paid or given or contracted to be paid or given, the actual cost of transportation from the place where the article was purchased to the person using the same in this state. If a cash discount is allowed and taken on the sale it shall be deducted in arriving at the purchase price.

(b) The meaning ascribed to words and phrases in K.S.A. 79-3602, and amendments thereto, insofar as is practicable, shall be applicable herein unless otherwise provided. The provisions of K.S.A. 79-3601 ~~to through~~ 79-3625, ~~inclusive,~~ 79-3650, ~~and amendments thereto, and~~ K.S.A. 2018 Supp. 79-3693 and 79-3694, and amendments thereto, relating to enforcement, collection and administration, insofar as practicable, shall have full force and effect with respect to taxes imposed under the provisions of this act.

(c) "Use" means the exercise within this state by any person of any right or power over tangible personal property incident to the ownership of that property, except that it shall not include processing, or the sale of the property in the regular course of business, and except storage as hereinafter defined.

(d) "Storage" means any keeping or retaining in this state for any purpose except sale in the regular course of business or subsequent use solely outside this state of tangible personal property purchased from a retailer.

(e) "Storage" and "use" do not include the keeping, retaining or exercising of any right or power over tangible personal property shipped or brought into this state for the purpose of subsequently transporting it outside the state for use thereafter solely outside the state, or for the purpose of being processed, fabricated, or manufactured into,

attached to or incorporated into, other tangible personal property to be transported outside the state and thereafter used solely outside the state.

(f) "Property used in processing" means: (1) Any tangible personal property which, when used in fabrication, compounding, manufacturing or germination, becomes an integral part of the new article resulting from such fabrication, compounding, manufacturing, or germination, and intended to be sold ultimately at retail; and (2) fuel which is consumed in creating power, heat, or steam for processing or for generating electric current.

(g) "Retailer" means every person engaged in the business of selling tangible personal property for use within the meaning of this act, except that, when in the opinion of the director it is necessary for the efficient administration of this act to regard any salesperson, representatives, truckers, peddlers or canvassers as the agents of the dealers, distributors, supervisors, employers or persons under whom they operate or from whom they obtain the tangible personal property sold by them, irrespective of whether they are making sales on their own behalf or on behalf of such dealers, distributors, supervisors, employers, or persons, the director may so regard them and may regard the dealers, distributors, supervisors, employers, or persons as retailers for the purposes of this act.

(h) (1) "Retailer doing business in this state" or any like term, means: (A) Any retailer maintaining in this state, permanently, temporarily, directly or indirectly through a subsidiary, agent or representative, an office, distribution house, sales house, warehouse or other place of business;

(B) any retailer utilizing an employee, independent contractor, agent, representative, salesperson, canvasser, solicitor or other person operating in this state either permanently or temporarily, for the purpose of selling, delivering, installing, assembling, servicing, repairing, soliciting sales or the taking of orders for tangible personal property;

(C) any retailer, including a contractor, repair person or other service provider, who enters this state to perform services that are enumerated in K.S.A. 79-3603, and amendments thereto, and who is required to secure a retailer's sales tax registration certificate before performing those services;

(D) any retailer deriving rental receipts from a lease of tangible personal property situated in this state;

(E) any person regularly maintaining a stock of tangible personal property in this state for sale in the normal course of business; ~~and~~

(F) any retailer who has any other contact with this state that would allow this state to require the retailer to collect and remit tax under the provisions of the constitution and laws of the United States; and

(G) (i) for any retailer that does not satisfy any of the requirements contained in subparagraphs (A) through (F), such retailer shall be a retailer doing business in this state, if:

(a) For calendar year 2018, the retailer had in excess of \$100,000 of cumulative gross receipts from sales by the retailer to customers in this state;

(b) for the period beginning on January 1, 2019, through September 30, 2019, the retailer had in excess of \$100,000 of cumulative gross receipts from sales by the retailer to customers in this state; or

(c) during the current or immediately preceding calendar year, the retailer had in

excess of \$100,000 of cumulative gross receipts from sales by the retailer to customers in this state.

(ii) (a) For any retailer who satisfies the provisions of subparagraph (G)(i), such retailer shall not be required to collect and remit any taxes from sales occurring prior to October 1, 2019.

(b) For any retailer who satisfies the provisions of subparagraph (G)(i)(c) for sales in the current calendar year for the first time, such retailer shall be required to collect and remit the tax on any sales in excess of the \$100,000 of cumulative gross receipts from sales in the current calendar year by the retailer to customers in this state.

(2) A retailer shall be presumed to be doing business in this state if any of the following occur:

(A) Any person, other than a common carrier acting in its capacity as such, that has nexus with the state sufficient to require such person to collect and remit taxes under the provisions of the constitution and laws of the United States if such person were making taxable retail sales of tangible personal property or services in this state:

(i) Sells the same or a substantially similar line of products as the retailer and does so under the same or a substantially similar business name;

(ii) maintains a distribution house, sales house, warehouse or similar place of business in Kansas that delivers or facilitates the sale or delivery of property sold by the retailer to consumers;

(iii) uses trademarks, service marks, or trade names in the state that are the same or substantially similar to those used by the retailer;

(iv) delivers, installs, assembles or performs maintenance services for the retailer's customers within the state;

(v) facilitates the retailer's delivery of property to customers in the state by allowing the retailer's customers to pick up property sold by the retailer at an office, distribution facility, warehouse, storage place or similar place of business maintained by the person in the state;

(vi) has a franchisee or licensee operating under its trade name if the franchisee or the licensee is required to collect the tax under the Kansas retailers' sales tax act; or

(vii) conducts any other activities in the state that are significantly associated with the retailer's ability to establish and maintain a market in the state for the retailer's sales.

(B) Any affiliated person conducting activities in this state described in subparagraph (A) or (C) has nexus with this state sufficient to require such person to collect and remit taxes under the provisions of the constitution and laws of the United States if such person were making taxable retail sales of tangible personal property or services in this state.

~~(C) The retailer enters into an agreement with one or more residents of this state under which the resident, for a commission or other consideration, directly or indirectly refers potential customers, whether by a link or an internet website, by telemarketing, by an in-person oral presentation, or otherwise, to the retailer, if the cumulative gross receipts from sales by the retailer to customers in the state who are referred to the retailer by all residents with this type of an agreement with the retailer is in excess of \$10,000 during the preceding 12 months. This presumption may be rebutted by submitting proof that the residents with whom the retailer has an agreement did not engage in any activity within the state that was significantly associated with the retailer's ability to establish or maintain the retailer's market in the state during the~~

preceding 12 months. Such proof may consist of sworn written statements from all of the residents with whom the retailer has an agreement stating that they did not engage in any solicitation in the state on behalf of the retailer during the preceding year, provided that such statements were provided and obtained in good faith. This subparagraph shall take effect 90 days after the enactment of this statute and shall apply to sales made and uses occurring on or after the effective date of this subparagraph and without regard to the date the retailer and the resident entered into the agreement described in this subparagraph. The term "preceding 12 months" as used in this subparagraph includes the 12 months commencing prior to the effective date of this subparagraph.

~~(D) The presumptions in subparagraphs (A) and (B) may be rebutted by demonstrating that the activities of the person or affiliated person in the state are not significantly associated with the retailer's ability to establish or maintain a market in this state for the retailer's sales. The retailer is subject to the provisions set forth in subsection (h)(1)(G) for a retailer doing business in this state and has in excess of \$100,000 of cumulative gross receipts from sales by the retailer to customers in this state. Such retailer shall have nexus with this state sufficient to require such retailer to collect and remit taxes under the provisions of the constitution and laws of the United States if such retailer were making taxable retail sales of tangible personal property in this state.~~

(3) The processing of orders electronically, by fax, telephone, the internet or other electronic ordering process, does not relieve a retailer of responsibility for collection of the tax from the purchaser if the retailer is doing business in this state pursuant to this section.

(i) "Director" means the director of taxation.

~~(j) As used in this section, "affiliated person" means any person that is a member of the same "controlled group of corporations" as defined in section 1563(a) of the federal internal revenue code as the retailer or any other entity that, notwithstanding its form of organization, bears the same ownership relationship to the retailer as a corporation that is a member of the same "controlled group of corporations" as defined in section 1563(a) of the federal internal revenue code. "cumulative gross receipts" means gross receipts as defined in K.S.A. 79-3602, and amendments thereto, and includes the gross receipts received by the retailer from its own direct sales combined with the gross receipts from sales facilitated on behalf of the retailers by a marketplace facilitator or marketplace facilitators, as defined in section 7, and amendments thereto.~~

Sec. 22. K.S.A. 2018 Supp. 79-3703 is hereby amended to read as follows: 79-3703. There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using, storing, or consuming within this state any article of tangible personal property. Such tax shall be levied and collected in an amount equal to the consideration paid by the taxpayer multiplied by the rate of 6.5% and on and after October 1, 2019, the rate on food and food ingredients as provided in section 16, and amendments thereto. Within a redevelopment district established pursuant to K.S.A. 74-8921, and amendments thereto, there is hereby levied and there shall be collected and paid an additional tax of 2% until the earlier of: (1) The date the bonds issued to finance or refinance the redevelopment project undertaken in the district have been paid in full; or (2) the final scheduled maturity of the first series of bonds issued to finance the redevelopment project. All property purchased or leased within or without this state and subsequently used, stored or consumed in this state shall be subject to the

compensating tax if the same property or transaction would have been subject to the Kansas retailers' sales tax had the transaction been wholly within this state.

Sec. 23. K.S.A. 2018 Supp. 79-3710 is hereby amended to read as follows: 79-3710. (a) All revenue collected or received by the director under the provisions of this act 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, less amounts set apart as provided in subsection (b) and amounts credited as provided in subsection (c), (d) and (e), to the credit of the state general fund.

(b) A revolving fund, designated as "compensating tax refund fund" not to exceed \$10,000 shall be set apart and maintained by the director from compensating tax collections and estimated tax collections and held by the state treasurer for prompt payment of all compensating tax refunds. Such fund shall be in such amount, within the limit set by this section, as the director shall determine is necessary to meet current refunding requirements under this act.

~~(c) (1) On July 1, 2010, the state treasurer shall credit 11.427% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.~~

~~(2) On July 1, 2011, the state treasurer shall credit 11.26% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.~~

~~(3) On July 1, 2012, the state treasurer shall credit 11.233% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.~~

~~(4) On July 1, 2013, the state treasurer shall credit 17.073% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.15%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.~~

~~(5) On July 1, 2015, the state treasurer shall credit 16.226% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.5%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.~~

~~(6) On July 1, 2016, and thereafter, the state treasurer shall credit 16.154% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, and section 16, and amendments thereto, at the rate of 6.5% rates provided in K.S.A. 79-3703, and amendments thereto, and section 16 or 17, and amendments thereto, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.~~

(d) The state treasurer shall credit all revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, as certified by the director, from taxpayers doing business within that portion of a redevelopment district occupied by a redevelopment project that was determined by the secretary of commerce to be of statewide as well as local importance or will create a major tourism area for the state as defined in K.S.A. 12-1770a, and amendments thereto, to the city bond finance fund

created by K.S.A. 79-3620(d), and amendments thereto. The provisions of this subsection shall expire when the total of all amounts credited hereunder and under K.S.A. 79-3620(d), and amendments thereto, is sufficient to retire the special obligation bonds issued for the purpose of financing all or a portion of the costs of such redevelopment project.

This subsection shall not apply to a project designated as a special bond project as defined in K.S.A. 12-1770a(z), and amendments thereto.

(e) All revenue certified by the director of taxation as having been collected or received from the tax imposed by K.S.A. 79-3603(c), and amendments thereto, on the sale or furnishing of gas, water, electricity and heat for use or consumption within the intermodal facility district described in this subsection, shall be credited by the state treasurer to the state highway fund. Such revenue may be transferred by the secretary of transportation to the rail service improvement fund pursuant to law. The provisions of this subsection shall take effect upon certification by the secretary of transportation that a notice to proceed has been received for the construction of the improvements within the intermodal facility district, but not later than December 31, 2010, and shall expire when the secretary of revenue determines that the total of all amounts credited hereunder and pursuant to K.S.A. 79-3620(e), and amendments thereto, is equal to \$53,300,000, but not later than December 31, 2045. Thereafter, all revenues shall be collected and distributed in accordance with applicable law. For all tax reporting periods during which the provisions of this subsection are in effect, none of the exemptions contained in K.S.A. 79-3601 et seq., and amendments thereto, shall apply to the sale or furnishing of any gas, water, electricity and heat for use or consumption within the intermodal facility district. As used in this subsection, "intermodal facility district" shall consist of an intermodal transportation area as defined by K.S.A. 12-1770a(oo), and amendments thereto, located in Johnson county within the polygonal-shaped area having Waverly Road as the eastern boundary, 191st Street as the southern boundary, Four Corners Road as the western boundary, and Highway 56 as the northern boundary, and the polygonal-shaped area having Poplar Road as the eastern boundary, 183rd Street as the southern boundary, Waverly Road as the western boundary, and the BNSF mainline track as the northern boundary, that includes capital investment in an amount exceeding \$150 million for the construction of an intermodal facility to handle the transfer, storage and distribution of freight through railway and trucking operations.

Sec. 24. K.S.A. 2018 Supp. 79-32,143 is hereby amended to read as follows: 79-32,143. (a) For net operating losses incurred in taxable years beginning after December 31, 1987, and prior to January 1, 2018, a net operating loss deduction shall be allowed in the same manner that it is allowed under the federal internal revenue code except that such net operating loss may only be carried forward to each of the 10 taxable years following the taxable year of the net operating loss. For net operating losses incurred in taxable years beginning after December 31, 2017, a net operating loss deduction shall be allowed in the same manner that it is allowed under the federal internal revenue code except that such net operating loss deduction: (1) May only be carried forward to each of the 20 taxable years following the taxable year of the net operating loss; and (2) shall be the lesser of: (A) The aggregate Kansas net operating loss carryover to such year; or (B) 80% of Kansas taxable income computed without regard to the Kansas net operating loss deduction allowable under this section. For net operating farm losses, as defined by subsection (i) of section 172 of the federal internal revenue code, incurred in

taxable years beginning after December 31, 1999, a net operating loss deduction shall be allowed in the same manner that it is allowed under the federal internal revenue code except that such net operating loss may be carried forward to each of the 10 taxable years following the taxable year of the net operating loss. The amount of the net operating loss that may be carried back or forward for Kansas income tax purposes shall be that portion of the federal net operating loss allocated to Kansas under this act in the taxable year that the net operating loss is sustained.

(b) The amount of the loss to be carried back or forward will be the federal net operating loss after: (1) All modifications required under this act applicable to the net loss in the year the loss was incurred; and (2) after apportionment as to source in the case of corporations, nonresident individuals for losses incurred in taxable years beginning prior to January 1, 1978, and nonresident estates and trusts in the same manner that income for such corporations, nonresident individuals, estates and trusts is required to be apportioned.

(c) If a net operating loss was incurred in a taxable year beginning prior to January 1, 1988, the amount of the net operating loss that may be carried back and carried forward and the period for which it may be carried back and carried forward shall be determined under the provisions of the Kansas income tax laws which were in effect during the year that such net operating loss was incurred.

(d) If any portion of a net operating loss described in subsections (a) and (b) is not utilized prior to the final year of the carryforward period provided in subsection (a), a refund shall be allowable in such final year in an amount equal to the refund which would have been allowable in the taxable year the loss was incurred by utilizing the three year carryback provided under K.S.A. 79-32,143, as in effect on December 31, 1987, multiplied by a fraction, the numerator of which is the unused portion of such net operating loss in the final year, and the denominator of which is the amount of such net operating loss which could have been carried back to the three years immediately preceding the year in which the loss was incurred. In no event may such fraction exceed 1.

(e) Notwithstanding any other provisions of the Kansas income tax act, the net operating loss as computed under subsections (a), (b) and (c) ~~of this section~~ shall be allowed in full in determining Kansas taxable income or at the option of the taxpayer allowed in full in determining Kansas adjusted gross income.

(f) No refund of income tax which results from a net operating farm loss carry back shall be allowed in an amount exceeding \$1,500 in any year. Any overpayment in excess of \$1,500 may be carried forward to any year or years after the year of the loss and may be claimed as a credit against the tax. The refundable portion of such credit shall not exceed \$1,500 in any year.

(g) For tax year 2013, and all tax years thereafter, a net operating loss allowed by this section shall only be available to taxpayers subject to the income tax on corporations imposed pursuant to ~~subsection (e)~~ of K.S.A. 79-32,110(c), and amendments thereto, and used only to determine such taxpayer's corporate income tax liability.

Sec. 25. K.S.A. 2018 Supp. 79-32,143a is hereby amended to read as follows: 79-32,143a. (a) For taxable years beginning after December 31, ~~2014~~ 2018, a taxpayer may elect to take an expense deduction from Kansas net income before expensing or recapture allocated or apportioned to this state for the cost of the following property

placed in service in this state during the taxable year: (1) Tangible property eligible for depreciation under the modified accelerated cost recovery system in section 168 of the internal revenue code, as amended, but not including residential rental property, nonresidential real property, any railroad grading or tunnel bore or any other property with an applicable recovery period in excess of 25 years as defined under section 168(c) or (g) of the internal revenue code, as amended; and (2) computer software as defined in section 197(e)(3)(B) of the internal revenue code, as amended, and as described in section 197(e)(3)(A)(i) of the internal revenue code, as amended, to which section 167 of the internal revenue code, as amended, applies. If such election is made, the amount of expense deduction for such cost shall equal the difference between the depreciable cost of such property for federal income tax purposes and the sum of the amount of bonus depreciation being claimed for such property pursuant to section 168(k) and the amount of expensing deduction being claimed for such property pursuant to section 179 of the internal revenue code, as amended, for federal income tax purposes in such tax year, ~~but without regard to any expense deduction being claimed for such property under section 179 of the internal revenue code, as amended,~~ multiplied by the applicable factor, determined by using, the table provided in subsection (f), based on the method of depreciation selected pursuant to section 168(b)(1), (2), or (3) or (g) of the internal revenue code, as amended, and the applicable recovery period for such property as defined under section 168(c) or (g) of the internal revenue code, as amended. This election shall be made by the due date of the original return, including any extensions, and may be made only for the taxable year in which the property is placed in service, and once made, shall be irrevocable. ~~If the section 179 expense deduction election has been made for federal income tax purposes for any asset, the applicable factor to be utilized is in the IRC § 168 (b)(1) column of the table provided in subsection (f) for the applicable recovery period of the respective assets.~~

(b) If the amount of expense deduction calculated pursuant to subsection (a) exceeds the taxpayer's Kansas net income before expensing or recapture allocated or apportioned to this state, such excess amount shall be treated as a Kansas net operating loss as provided in K.S.A. 79-32,143, and amendments thereto.

(c) If the property for which an expense deduction is taken pursuant to subsection (a) is subsequently sold during the applicable recovery period for such property as defined under section 168(c) of the internal revenue code, as amended, and in a manner that would cause recapture of any previously taken expense or depreciation deductions for federal income tax purposes, or if the situs of such property is otherwise changed such that the property is relocated outside the state of Kansas during such applicable recovery period, then the expense deduction determined pursuant to subsection (a) shall be subject to recapture and treated as Kansas taxable income allocated to this state. The amount of recapture shall be the Kansas expense deduction determined pursuant to subsection (a) multiplied by a fraction, the numerator of which is the number of years remaining in the applicable recovery period for such property as defined under section 168(c) or (g) of the internal revenue code, as amended, after such property is sold or removed from the state including the year of such disposition, and the denominator of which is the total number of years in such applicable recovery period.

(d) The situs of tangible property for purposes of claiming and recapture of the expense deduction shall be the physical location of such property. If such property is mobile, the situs shall be the physical location of the business operations from where

such property is used or based. The situs of computer software shall be apportioned to Kansas based on the fraction, the numerator of which is the number of the taxpayer's users located in Kansas of licenses for such computer software used in the active conduct of the taxpayer's business operations, and the denominator of which is the total number of the taxpayer's users of the licenses for such computer software used in the active conduct of the taxpayer's business operations everywhere.

(e) Any member of a unitary group filing a combined report may elect to take an expense deduction pursuant to subsection (a) for an investment in property made by any member of the combined group, provided that the amount calculated pursuant to subsection (a) may only be deducted from the Kansas net income before expensing or recapture allocated to or apportioned to this state by such member making the election.

(f) The following table shall be used in determining the expense deduction calculated pursuant to subsection (a):

Factors

IRC§168 Recover Period (year)	IRC§168(b)(1) Depreciation Method	IRC§168(b)(2) Depreciation Method	IRC§168(b)(3) or (g) Depreciation Method
2.5	*	.077	.092
3	.075	.091	.106
3.5	*	.102	.116
4	*	.114	.129
5	.116	.135	.150
6	*	.154	.170
6.5	*	.163	.179
7	.151	.173	.190
7.5	*	.181	.199
8	*	.191	.208
8.5	*	.199	.217
9	*	.208	.226
9.5	*	.216	.235
10	.198	.224	.244
10.5	*	.232	.252
11	*	.240	.261
11.5	*	.248	.269
12	*	.256	.277
12.5	*	.263	.285
13	*	.271	.293
13.5	*	.278	.300
14	*	.285	.308
15	*	.299	.323
16	*	.313	.337
16.5	*	.319	.344
17	*	.326	.351
18	*	.339	.365
19	*	.351	.378
20	*	.363	.391

22	*	.386	.415
24	*	.408	.438
25	*	.419	.449

*Not Applicable

(g) If a taxpayer elects to expense any investment pursuant to subsection (a), such taxpayer shall not be eligible for any tax credit, accelerated depreciation, or deduction for such investment allowed pursuant to K.S.A. 2018 Supp. 79-32,160a(e), 79-32,182b, 79-32,201, 79-32,204, 79-32,211, 79-32,218, 79-32,221, 79-32,222, 79-32,224, 79-32,227, 79-32,229, 79-32,232, 79-32,234, 79-32,237, 79-32,239, 79-32,246, 79-32,249, 79-32,252, 79-32,255, 79-32,256 and 79-32,258, and amendments thereto.

(h) (1) For tax year 2013, the deduction allowed by this section shall only be available to taxpayers subject to the income tax on corporations imposed pursuant to ~~subsection (e) of~~ K.S.A. 79-32,110(c), and amendments thereto, and used only to determine such taxpayer's corporate income tax liability.

(2) For tax-year years 2014, ~~and all tax years thereafter~~ 2015, 2016, 2017 and 2018, the deduction allowed by this section shall only be available to taxpayers subject to the income tax on corporations imposed pursuant to ~~subsection (e) of~~ K.S.A. 79-32,110(c), and amendments thereto, or the privilege tax imposed upon any national banking association, state bank, savings bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, and used only to determine such taxpayer's corporate income or privilege tax liability.

(i) For tax year 2019, and all tax years thereafter, the deduction allowed by this section shall be available to all taxpayers subject to the income tax imposed pursuant to K.S.A. 79-32,110, and amendments thereto, or the privilege tax imposed upon any national banking association, state bank, savings bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, and used only to determine such taxpayer's income or privilege tax liability."

On page 17, in line 1, by striking "and" and inserting a comma; also in line 1, after "12-189" by inserting ", 79-3221o, 79-32,117, 79-32,120, 79-32,138, 79-32,143, 79-32,143a, 79-3602, 79-3603, 79-3620, 79-3702, 79-3703 and 79-3710"; in line 3, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, before "sales" by inserting "taxation; relating to"; also in line 1, by striking all after "tax"; in line 2, by striking "to" and inserting a comma; in line 5, after "taxation" by inserting ", imposition of tax, nexus, remote sellers, marketplace facilitators, rate on food and food ingredients; income taxation, addition and subtraction modifications, treatment of deferred foreign income, global intangible low-taxed income, capital contributions, FDIC premiums, deductions, expanding the expense deduction to all taxpayers, net operating loss carryforward period for corporations"; also in line 5, by striking the first "and" and inserting a comma; also in line 5, after "12-189" by inserting ", 79-32,117, 79-32,120, 79-32,138, 79-32,143, 79-32,143a, 79-3602, 79-3603, 79-3620, 79-3702, 79-3703 and 79-3710"; in line 6, after "sections" by inserting "; also repealing K.S.A. 2018 Supp. 79-3221o";

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

SUSAN WAGLE

DAN KERSCHEN

Conferees on part of Senate

STEVEN JOHNSON

LES MASON

Conferees on part of House

Senator Wagle moved the Senate adopt the Conference Committee Report on **HB 2033**.

On roll call, the vote was: Yeas 27; Nays 13; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Denning, Doll, Estes, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pyle, Rucker, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Nays: Bollier, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Miller, Pettey, Pilcher-Cook, Skubal, Sykes, Ware.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MADAM PRESIDENT: Your committee on conference on Senate amendments to **HB 2140** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows: On page 1, by striking all in lines 8 through 36;

On page 2, by striking all in lines 1 through 18; following line 18, by inserting:

"Section 1. K.S.A. 2018 Supp. 12-187 is hereby amended to read as follows: 12-187. (a) No city shall impose a retailers' sales tax under the provisions of this act without the governing body of such city having first submitted such proposition to and having received the approval of a majority of the electors of the city voting thereon at an election called and held therefor. The governing body of any city may submit the question of imposing a retailers' sales tax and the governing body shall be required to submit the question upon submission of a petition signed by electors of such city equal in number to not less than 10% of the electors of such city.

(b) (1) The board of county commissioners of any county may submit the question of imposing a countywide retailers' sales tax to the electors at an election called and held thereon, and any such board shall be required to submit the question upon submission of a petition signed by electors of such county equal in number to not less than 10% of the electors of such county who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than $\frac{2}{3}$ of the membership of the governing body of each of one or more cities within such county ~~which that~~ contains a population of not less than 25% of the entire population of the county, or upon receiving resolutions requesting such an election passed by $\frac{2}{3}$ of the membership of the governing body of each of one or more taxing subdivisions within such county ~~which that~~ levy not less than 25% of the property taxes levied by all taxing subdivisions within the county.

(2) The board of county commissioners of Anderson, Atchison, Barton, Brown, Butler, Chase, Cowley, Cherokee, Crawford, Ford, Franklin, Jefferson, Linn, Lyon, Marion, Miami, Montgomery, Neosho, Osage, Ottawa, Reno, Riley, Saline, Seward, Sumner, Thomas, Wabaunsee, Wilson and Wyandotte counties may submit the question of imposing a countywide retailers' sales tax and pledging the revenue received therefrom for the purpose of financing the construction or remodeling of a courthouse, jail, law enforcement center facility or other county administrative facility, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire when sales tax sufficient to pay all of the costs incurred in the financing of such facility has been collected by retailers as determined by the secretary of revenue. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Butler, Chase, Cowley, Lyon, Montgomery, Neosho, Riley, Sumner or Wilson county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189, and amendments thereto.

(3) (A) Except as otherwise provided in this paragraph, the result of the election held on November 8, 1988, on the question submitted by the board of county commissioners of Jackson county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the Banner Creek reservoir project. The tax imposed pursuant to this paragraph shall take effect on the effective date of this act and shall expire not later than five years after such date.

(B) The result of the election held on November 8, 1994, on the question submitted by the board of county commissioners of Ottawa county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the erection, construction and furnishing of a law enforcement center and jail facility.

(C) Except as otherwise provided in this paragraph, the result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Sedgwick county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be used only to pay the costs of: (i) Acquisition of a site and constructing and equipping thereon a new regional events center, associated parking and infrastructure improvements and related appurtenances thereto, to be located in the downtown area of the city of Wichita, Kansas, (the "downtown arena"); (ii) design for the Kansas coliseum complex and construction of improvements to the pavilions; and (iii) establishing an operating and maintenance reserve for the downtown arena and the Kansas coliseum complex. The tax imposed pursuant to this paragraph shall commence on July 1, 2005, and shall terminate not later than 30 months after the commencement thereof.

(D) Except as otherwise provided in this paragraph, the result of the election held on August 5, 2008, on the question submitted by the board of county commissioners of Lyon county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended for the purposes of ad valorem tax reduction and capital outlay. The tax imposed pursuant to this paragraph shall terminate not later than five years after the commencement thereof.

(E) Except as otherwise provided in this paragraph, the result of the election held

on August 5, 2008, on the question submitted by the board of county commissioners of Rawlins county for the purpose of increasing its countywide retailers' sales tax by 0.75% is hereby declared valid, and the revenue received therefrom by the county shall be expended for the purposes of financing the costs of a swimming pool. The tax imposed pursuant to this paragraph shall terminate not later than 15 years after the commencement thereof or upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(F) The result of the election held on December 1, 2009, on the question submitted by the board of county commissioners of Chautauqua county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received from such tax by the county shall be expended for the purposes of financing the costs of constructing, furnishing and equipping a county jail and law enforcement center and necessary improvements appurtenant to such jail and law enforcement center. Any tax imposed pursuant to authority granted in this paragraph shall terminate upon payment of all costs authorized pursuant to this paragraph incurred in the financing of the project described in this paragraph.

(G) The result of the election held on April 7, 2015, on the question submitted by the board of county commissioners of Bourbon county for the purpose of increasing its retailers' sales tax by 0.4% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the costs of constructing, furnishing and operating a courthouse, law enforcement center or jail facility improvements. Any tax imposed pursuant to authority granted in this paragraph shall terminate upon payment of all costs authorized pursuant to this paragraph incurred in the financing of the project described in this paragraph.

(H) The result of the election held on November 7, 2017, on the question submitted by the board of county commissioners of Finney county for the purpose of increasing its countywide retailers' sales tax by 0.3% is hereby declared valid, and the revenues of such tax shall be used by Finney county and the city of Garden City, Kansas, as agreed in an interlocal cooperation agreement between the city and county, and as detailed in the ballot question approved by voters. The tax imposed pursuant to this subparagraph shall be levied for a period of 15 years from the date it is first levied.

(4) The board of county commissioners of Finney and Ford counties may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing all or any portion of the cost to be paid by Finney or Ford county for construction of highway projects identified as system enhancements under the provisions of K.S.A. 68-2314(b)(5), and amendments thereto, to the electors at an election called and held thereon. Such election shall be called and held in the manner provided by the general bond law. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Finney or Ford county pursuant to this paragraph to exceed the maximum rate prescribed in K.S.A. 12-189, and amendments thereto. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Finney county, the state treasurer shall remit such funds to the treasurer of Finney county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund. If any funds remain upon the payment of all costs authorized

pursuant to this paragraph in the financing of such highway projects in Ford county, the state treasurer shall remit such funds to the treasurer of Ford county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund.

(5) The board of county commissioners of any county may submit the question of imposing a retailers' sales tax at the rate of 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom for the purpose of financing the provision of health care services, as enumerated in the question, to the electors at an election called and held thereon. Whenever any county imposes a tax pursuant to this paragraph, any tax imposed pursuant to subsection (a)(2) by any city located in such county shall expire upon the effective date of the imposition of the countywide tax, and thereafter the state treasurer shall remit to each such city that portion of the countywide tax revenue collected by retailers within such city as certified by the director of taxation. The tax imposed pursuant to this paragraph shall be deemed to be in addition to the rate limitations prescribed in K.S.A. 12-189, and amendments thereto. As used in this paragraph, health care services shall include, but not be limited to, the following: Local health departments, city or county hospitals, city or county nursing homes, preventive health care services including immunizations, prenatal care and the postponement of entry into nursing homes by home care services, mental health services, indigent health care, physician or health care worker recruitment, health education, emergency medical services, rural health clinics, integration of health care services, home health services and rural health networks.

(6) The board of county commissioners of Allen county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of operation and construction of a solid waste disposal area or the modification of an existing landfill to comply with federal regulations to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs incurred in the financing of the project undertaken. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Allen county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189, and amendments thereto.

(7)(A) The board of county commissioners of Clay, ~~Dickinson~~ and Miami county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.50% in the case of Clay ~~and Dickinson~~ county and at a rate of up to 1% in the case of Miami county, and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. Except as otherwise provided, the tax imposed pursuant to this ~~paragraph~~ subparagraph shall expire after five years from the date such tax is first collected. The result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Miami county for the purpose of extending for an additional five-year period the countywide retailers' sales tax imposed pursuant to this subsection in Miami county is hereby declared valid. The countywide retailers' sales tax imposed pursuant to this subsection in Clay and Miami county may be extended or reenacted for additional five-year periods upon the board of county commissioners of Clay and Miami county submitting such question to the electors at an election called and held thereon for each additional five-year period as provided by law.

(B) The board of county commissioners of Dickinson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this subparagraph shall expire after 10 years from the date such tax is first collected.

(8) The board of county commissioners of Sherman county may submit the question of imposing a countywide retailers' sales tax at the rate of 1% and pledging the revenue received therefrom for the purpose of financing the costs of street and roadway improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(9) ~~(A)~~ The board of county commissioners of Cowley, Crawford, ~~Russell~~ and Woodson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% in the case of Crawford, ~~Russell~~ and Woodson county and at a rate of up to 0.25%, in the case of Cowley county and pledging the revenue received therefrom for the purpose of financing economic development initiatives or public infrastructure projects. The tax imposed pursuant to this ~~paragraph subparagraph~~ shall expire after five years from the date such tax is first collected.

(B) The board of county commissioners of Russell county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing economic development initiatives or public infrastructure projects. The tax imposed pursuant to this subparagraph shall expire after 10 years from the date such tax is first collected.

(10) The board of county commissioners of Franklin county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing recreational facilities. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.

(11) The board of county commissioners of Douglas county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purposes of conservation, access and management of open space; preservation of cultural heritage; and economic development projects and activities.

(12) The board of county commissioners of Shawnee county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom to the city of Topeka for the purpose of financing the costs of rebuilding the Topeka boulevard bridge and other public infrastructure improvements associated with such project to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such project.

~~(13) The board of county commissioners of Jackson county may submit the question of imposing a countywide retailers' sales tax at a rate of 0.4% and pledging the revenue received therefrom as follows: 50% of such revenues for the purpose of financing for economic development initiatives; and 50% of such revenues for the purpose of financing public infrastructure projects to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after seven~~

~~years from the date such tax is first collected.~~ The board of county commissioners of Jackson county may submit the question of imposing a countywide retailers' sales tax at a rate of 0.4% ~~which such tax shall take effect after the expiration of the tax imposed pursuant to this paragraph prior to the effective date of this act,~~ and pledging the revenue received therefrom for the purpose of financing public infrastructure projects to the electors at an election called and held thereon. Such tax shall expire after seven years from the date such tax is first collected.

(14) The board of county commissioners of Neosho county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(15) The board of county commissioners of Saline county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of construction and operation of an expo center to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(16) The board of county commissioners of Harvey county may submit the question of imposing a countywide retailers' sales tax at the rate of 1.0% and pledging the revenue received therefrom for the purpose of financing the costs of property tax relief, economic development initiatives and public infrastructure improvements to the electors at an election called and held thereon.

(17) The board of county commissioners of Atchison county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing the costs of construction and maintenance of sports and recreational facilities to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.

(18) The board of county commissioners of Wabaunsee county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of bridge and roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 15 years from the date such tax is first collected. On and after July 1, 2019, the countywide retailers' sales tax imposed pursuant to this paragraph may be extended or reenacted for one additional period not to exceed 15 years upon the board of county commissioners of Wabaunsee county submitting such question to the electors at an election called and held thereon as provided by law. For any countywide retailers' sales tax that is extended or reenacted pursuant to this paragraph, such tax shall expire not later than 15 years from the date such tax is first collected.

(19) The board of county commissioners of Jefferson county may submit the question of imposing a countywide retailers' sales tax at the rate of 1% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after six years from the date such

tax is first collected. The countywide retailers' sales tax imposed pursuant to this paragraph may be extended or reenacted for additional six-year periods upon the board of county commissioners of Jefferson county submitting such question to the electors at an election called and held thereon for each additional six-year period as provided by law.

(20) The board of county commissioners of Riley county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received therefrom for the purpose of financing the costs of bridge and roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(21) The board of county commissioners of Johnson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing the construction and operation costs of public safety projects, including, but not limited to, a jail, detention center, sheriff's resource center, crime lab or other county administrative or operational facility dedicated to public safety, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this subsection may be extended or reenacted for additional periods not exceeding 10 years upon the board of county commissioners of Johnson county submitting such question to the electors at an election called and held thereon for each additional ten-year period as provided by law.

(22) The board of county commissioners of Wilson county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvements to federal highways, the development of a new industrial park and other public infrastructure improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project or projects.

(23) The board of county commissioners of Butler county may submit the question of imposing a countywide retailers' sales tax at the rate of either 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom for the purpose of financing the costs of public safety capital projects or bridge and roadway construction projects, or both, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such projects.

(24) The board of county commissioners of Barton county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway and bridge construction and improvement and infrastructure development and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected.

(25) The board of county commissioners of Jefferson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing the costs of the county's obligation as participating employer to make employer contributions and other required

contributions to the Kansas public employees retirement system for eligible employees of the county who are members of the Kansas police and firemen's retirement system, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such purpose.

(26) The board of county commissioners of Pottawatomie county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of construction or remodeling of a courthouse, jail, law enforcement center facility or other county administrative facility, or public infrastructure improvements, or both, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such project or projects.

(27) The board of county commissioners of Kingman county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom for the purpose of financing the costs of constructing and furnishing a law enforcement center and jail facility and the costs of roadway and bridge improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire not later than 20 years from the date such tax is first collected.

(28) The board of county commissioners of Edwards county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.375% and pledging the revenue therefrom for the purpose of financing the costs of economic development initiatives to the electors at an election called and held thereon.

(29) The board of county commissioners of Rooks county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue therefrom for the purpose of financing the costs of constructing or remodeling and furnishing a jail facility to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs authorized in financing such project or projects.

(30) The board of county commissioners of Douglas county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the construction or remodeling of a courthouse, jail, law enforcement center facility, detention facility or other county administrative facility, specifically including mental health and for the operation thereof.

(31) The board of county commissioners of Bourbon county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1%, in increments of 0.05%, and pledging the revenue received therefrom for the purpose of financing the costs of constructing, furnishing and operating a courthouse, law enforcement center or jail facility improvements to the electors at an election called and held thereon.

(32) The board of county commissioners of Marion county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of property tax relief, economic development initiatives and the construction of public infrastructure improvements, including buildings, to the electors at an election called and held thereon.

(c) The boards of county commissioners of any two or more contiguous counties, upon adoption of a joint resolution by such boards, may submit the question of imposing a retailers' sales tax within such counties to the electors of such counties at an election called and held thereon and such boards of any two or more contiguous counties shall be required to submit such question upon submission of a petition in each of such counties, signed by a number of electors of each of such counties where submitted equal in number to not less than 10% of the electors of each of such counties who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than $\frac{2}{3}$ of the membership of the governing body of each of one or more cities within each of such counties ~~which that~~ contains a population of not less than 25% of the entire population of each of such counties, or upon receiving resolutions requesting such an election passed by $\frac{2}{3}$ of the membership of the governing body of each of one or more taxing subdivisions within each of such counties ~~which that~~ levy not less than 25% of the property taxes levied by all taxing subdivisions within each of such counties.

(d) Any city retailers' sales tax being levied by a city prior to July 1, 2006, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax or until repealed by the adoption of an ordinance for such repeal. Any countywide retailers' sales tax in the amount of 0.5% or 1% in effect on July 1, 1990, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax.

(e) Any city or county proposing to adopt a retailers' sales tax shall give notice of its intention to submit such proposition for approval by the electors in the manner required by K.S.A. 10-120, and amendments thereto. The notices shall state the time of the election and the rate and effective date of the proposed tax. If a majority of the electors voting thereon at such election fail to approve the proposition, such proposition may be resubmitted under the conditions and in the manner provided in this act for submission of the proposition. If a majority of the electors voting thereon at such election shall approve the levying of such tax, the governing body of any such city or county shall provide by ordinance or resolution, as the case may be, for the levy of the tax. Any repeal of such tax or any reduction or increase in the rate thereof, within the limits prescribed by K.S.A. 12-189, and amendments thereto, shall be accomplished in the manner provided herein for the adoption and approval of such tax except that the repeal of any such city retailers' sales tax may be accomplished by the adoption of an ordinance so providing.

(f) The sufficiency of the number of signers of any petition filed under this section shall be determined by the county election officer. Every election held under this act shall be conducted by the county election officer.

(g) The governing body of the city or county proposing to levy any retailers' sales tax shall specify the purpose or purposes for which the revenue would be used, and a statement generally describing such purpose or purposes shall be included as a part of the ballot proposition.

Sec. 2. K.S.A. 2018 Supp. 12-189 is hereby amended to read as follows: 12-189. The rate of any city retailers' sales tax shall be fixed in increments of 0.05% and in an amount not to exceed 2% for general purposes and not to exceed 1% for special purposes, which shall be determined by the governing body of the city. For any retailers' sales tax imposed by a city for special purposes, such city shall specify the purposes for

which such tax is imposed. All such special purpose retailers' sales taxes imposed by a city shall expire after 10 years from the date such tax is first collected. The rate of any countywide retailers' sales tax shall be fixed in an amount not to exceed 1% and shall be fixed in increments of 0.25%, and which amount shall be determined by the board of county commissioners, except that:

(a) The board of county commissioners of Wabaunsee county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 1.25%; the board of county commissioners of Osage or Reno county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 1.25% or 1.5%; the board of county commissioners of Cherokee, Crawford, Ford, Saline, Seward, ~~Thomas~~ or Wyandotte county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 1.5%; the board of county commissioners of Atchison or Thomas county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 1.5% or 1.75%; the board of county commissioners of Anderson, Barton, Jefferson or Ottawa county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 2%; the board of county commissioners of Marion county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 2.5%; the board of county commissioners of Franklin, Linn and Miami counties, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at a percentage ~~which~~ that is equal to the sum of the rate allowed to be imposed by the respective board of county commissioners on July 1, 2007, plus up to 1.0%; and the board of county commissioners of Brown county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at up to 2%;

(b) the board of county commissioners of Jackson county, for the purposes of K.S.A. 12-187(b)(3), and amendments thereto, may fix such rate at 2%;

(c) the boards of county commissioners of Finney and Ford counties, for the purposes of K.S.A. 12-187(b)(4), and amendments thereto, may fix such rate at 0.25%;

(d) the board of county commissioners of any county, for the purposes of K.S.A. 12-187(b)(5), and amendments thereto, may fix such rate at a percentage ~~which~~ that is equal to the sum of the rate allowed to be imposed by a board of county commissioners on the effective date of this act plus 0.25%, 0.5%, 0.75% or 1%, as the case requires;

(e) the board of county commissioners of Dickinson county, for the purposes of K.S.A. 12-187(b)(7), and amendments thereto, may fix such rate at 1.5%, and the board of county commissioners of Miami county, for the purposes of K.S.A. 12-187(b)(7), and amendments thereto, may fix such rate at 1.25%, 1.5%, 1.75% or 2%;

(f) the board of county commissioners of Sherman county, for the purposes of K.S.A. 12-187(b)(8), and amendments thereto, may fix such rate at 2.25%;

(g) the board of county commissioners of Crawford or Russell county for the purposes of K.S.A. 12-187(b)(9), and amendments thereto, may fix such rate at 1.5%;

(h) the board of county commissioners of Franklin county, for the purposes of K.S.A. 12-187(b)(10), and amendments thereto, may fix such rate at 1.75%;

(i) the board of county commissioners of Douglas county, for the purposes of K.S.A. 12-187(b)(11) and (b)(30), and amendments thereto, may fix such rate at 1.75%;

(j) the board of county commissioners of Jackson county, for the purposes of K.S.A. 12-187(b)(13), and amendments thereto, may fix such rate at 1.4%;

(k) the board of county commissioners of Sedgwick county, for the purposes of K.S.A. 12-187(b)(3)(C), and amendments thereto, may fix such rate at 2%;

(l) the board of county commissioners of Neosho county, for the purposes of K.S.A. 12-187(b)(14), and amendments thereto, may fix such rate at 1.0% or 1.5%;

(m) the board of county commissioners of Saline county, for the purposes of K.S.A. 12-187(b)(15), and amendments thereto, may fix such rate at up to 1.5%;

(n) the board of county commissioners of Harvey county, for the purposes of K.S.A. 12-187(b)(16), and amendments thereto, may fix such rate at 2.0%;

(o) the board of county commissioners of Atchison county, for the purpose of K.S.A. 12-187(b)(17), and amendments thereto, may fix such rate at a percentage ~~which~~ that is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Atchison county on the effective date of this act plus 0.25%;

(p) the board of county commissioners of Wabaunsee county, for the purpose of K.S.A. 12-187(b)(18), and amendments thereto, may fix such rate at a percentage ~~which~~ that is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Wabaunsee county on July 1, 2007, plus 0.5%;

(q) the board of county commissioners of Jefferson county, for the purpose of K.S.A. 12-187(b)(19) and (25), and amendments thereto, may fix such rate at 2.25%;

(r) the board of county commissioners of Riley county, for the purpose of K.S.A. 12-187(b)(20), and amendments thereto, may fix such rate at a percentage ~~which~~ that is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Riley county on July 1, 2007, plus up to 1%;

(s) the board of county commissioners of Johnson county, for the purposes of K.S.A. 12-187(b)(21), and amendments thereto, may fix such rate at a percentage ~~which~~ that is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Johnson county on July 1, 2007, plus 0.25%;

(t) the board of county commissioners of Wilson county, for the purposes of K.S.A. 12-187(b)(22), and amendments thereto, may fix such rate at up to 2%;

(u) the board of county commissioners of Butler county, for the purposes of K.S.A. 12-187(b)(23), and amendments thereto, may fix such rate at a percentage ~~which~~ that is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.25%, 0.5%, 0.75% or 1%;

(v) the board of county commissioners of Barton county, for the purposes of K.S.A. 12-187(b)(24), and amendments thereto, may fix such rate at up to 1.5%;

(w) the board of county commissioners of Lyon county, for the purposes of K.S.A. 12-187(b)(3)(D), and amendments thereto, may fix such rate at 1.5%;

(x) the board of county commissioners of Rawlins county, for the purposes of K.S.A. 12-187(b)(3)(E), and amendments thereto, may fix such rate at 1.75%;

(y) the board of county commissioners of Chautauqua county, for the purposes of K.S.A. 12-187(b)(3)(F), and amendments thereto, may fix such rate at 2.0%;

(z) the board of county commissioners of Pottawatomie county, for the purposes of K.S.A. 12-187(b)(26), and amendments thereto, may fix such rate at up to 1.5%;

(aa) the board of county commissioners of Kingman county, for the purposes of K.S.A. 12-187(b)(27), and amendments thereto, may fix such rate at a percentage ~~which~~ that is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.25%, 0.5%, 0.75%, or 1%;

(bb) the board of county commissioners of Edwards county, for the purposes of K.S.A. 12-187(b)(28), and amendments thereto, may fix such rate at 1.375%;

(cc) the board of county commissioners of Rooks county, for the purposes of

K.S.A. 12-187(b)(29), and amendments thereto, may fix such rate at up to 1.5%;

(dd) the board of county commissioners of Bourbon county, for the purposes of K.S.A. 12-187(b)(3)(G) and (b)(31), and amendments thereto, may fix such rate at up to 2.0%; ~~and~~

(ee) the board of county commissioners of Marion county, for the purposes of K.S.A. 12-187(b)(32), and amendments thereto, may fix such rate at 2.5%; ~~and~~

(ff) the board of county commissioners of Finney county, for the purposes of K.S.A. 12-187(b)(3)(H), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.3%.

Any county or city levying a retailers' sales tax is hereby prohibited from administering or collecting such tax locally, but shall utilize the services of the state department of revenue to administer, enforce and collect such tax. Except as otherwise specifically provided in K.S.A. 12-189a, and amendments thereto, such tax shall be identical in its application, and exemptions therefrom, to the Kansas retailers' sales tax act and all laws and administrative rules and regulations of the state department of revenue relating to the Kansas retailers' sales tax shall apply to such local sales tax insofar as such laws and rules and regulations may be made applicable. The state director of taxation is hereby authorized to administer, enforce and collect such local sales taxes and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement thereof.

Upon receipt of a certified copy of an ordinance or resolution authorizing the levy of a local retailers' sales tax, the director of taxation shall cause such taxes to be collected within or without the boundaries of such taxing subdivision at the same time and in the same manner provided for the collection of the state retailers' sales tax. Such copy shall be submitted to the director of taxation within 30 days after adoption of any such ordinance or resolution. The director of taxation shall confirm that all provisions of law applicable to the authorization of local sales tax have been followed prior to causing the collection. If the director of taxation discovers that a city or county did not comply with any provision of law applicable to the authorization of a local sales tax after collection has commenced, the director shall immediately notify the city or county and cease collection of such sales tax until such noncompliance is remedied. All moneys collected by the director of taxation under the provisions of this section shall be credited to a county and city retailers' sales tax fund which fund is hereby established in the state treasury, except that all moneys collected by the director of taxation pursuant to the authority granted in K.S.A. 12-187(b)(22), and amendments thereto, shall be credited to the Wilson county capital improvements fund. Any refund due on any county or city retailers' sales tax collected pursuant to this act shall be paid out of the sales tax refund fund and reimbursed by the director of taxation from collections of local retailers' sales tax revenue. Except for local retailers' sales tax revenue required to be deposited in the redevelopment bond fund established under K.S.A. 74-8927, and amendments thereto, all local retailers' sales tax revenue collected within any county or city pursuant to this act shall be apportioned and remitted at least quarterly by the state treasurer, on instruction from the director of taxation, to the treasurer of such county or city.

Revenue that is received from the imposition of a local retailers' sales tax ~~which that~~ exceeds the amount of revenue required to pay the costs of a special project for which such revenue was pledged shall be credited to the city or county general fund, as the case requires.

The director of taxation shall provide, upon request by a city or county clerk or treasurer or finance officer of any city or county levying a local retailers' sales tax, monthly reports identifying each retailer doing business in such city or county or making taxable sales sourced to such city or county, setting forth the tax liability and the amount of such tax remitted by each retailer during the preceding month and identifying each business location maintained by the retailer and such retailer's sales or use tax registration or account number. Such report shall be made available to the clerk or treasurer or finance officer of such city or county within a reasonable time after it has been requested from the director of taxation. The director of taxation shall be allowed to assess a reasonable fee for the issuance of such report. Information received by any city or county pursuant to this section shall be confidential, and it shall be unlawful for any officer or employee of such city or county to divulge any such information in any manner. Any violation of this paragraph by a city or county officer or employee is a class A misdemeanor, and such officer or employee shall be dismissed from office. Reports of violations of this paragraph shall be investigated by the attorney general. The district attorney or county attorney and the attorney general shall have authority to prosecute violations of this paragraph.

Sec. 3. K.S.A. 2018 Supp. 79-3606 is hereby amended to read as follows: 79-3606. The following shall be exempt from the tax imposed by this act:

(a) All sales of motor-vehicle fuel or other articles upon which a sales or excise tax has been paid, not subject to refund, under the laws of this state except cigarettes and electronic cigarettes as defined by K.S.A. 79-3301, and amendments thereto, including consumable material for such electronic cigarettes, cereal malt beverages and malt products as defined by K.S.A. 79-3817, and amendments thereto, including wort, liquid malt, malt syrup and malt extract, that is not subject to taxation under the provisions of K.S.A. 79-41a02, and amendments thereto, motor vehicles taxed pursuant to K.S.A. 79-5117, and amendments thereto, tires taxed pursuant to K.S.A. 65-3424d, and amendments thereto, drycleaning and laundry services taxed pursuant to K.S.A. 65-34,150, and amendments thereto, and gross receipts from regulated sports contests taxed pursuant to the Kansas professional regulated sports act, and amendments thereto;

(b) all sales of tangible personal property or service, including the renting and leasing of tangible personal property, purchased directly by the state of Kansas, a political subdivision thereof, other than a school or educational institution, or purchased by a public or private nonprofit hospital or public hospital authority or nonprofit blood, tissue or organ bank and used exclusively for state, political subdivision, hospital or public hospital authority or nonprofit blood, tissue or organ bank purposes, except when: (1) Such state, hospital or public hospital authority is engaged or proposes to engage in any business specifically taxable under the provisions of this act and such items of tangible personal property or service are used or proposed to be used in such business; or (2) such political subdivision is engaged or proposes to engage in the business of furnishing gas, electricity or heat to others and such items of personal property or service are used or proposed to be used in such business;

(c) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly by a public or private elementary or secondary school or public or private nonprofit educational institution and used primarily by such school or institution for nonsectarian programs and activities provided or sponsored by such school or institution or in the erection, repair or

enlargement of buildings to be used for such purposes. The exemption herein provided shall not apply to erection, construction, repair, enlargement or equipment of buildings used primarily for human habitation;

(d) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, a public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership, that would be exempt from taxation under the provisions of this act if purchased directly by such hospital or public hospital authority, school, educational institution or a state correctional institution; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or district described in subsection (s), the total cost of which is paid from funds of such political subdivision or district and that would be exempt from taxation under the provisions of this act if purchased directly by such political subdivision or district. Nothing in this subsection or in the provisions of K.S.A. 12-3418, and amendments thereto, shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or any such district. As used in this subsection, K.S.A. 12-3418 and 79-3640, and amendments thereto, "funds of a political subdivision" shall mean general tax revenues, the proceeds of any bonds and gifts or grants-in-aid. Gifts shall not mean funds used for the purpose of constructing, equipping, reconstructing, repairing, enlarging, furnishing or remodeling facilities that are to be leased to the donor. When any political subdivision of the state, district described in subsection (s), public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or department of corrections concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under

such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or the contractor contracting with the department of corrections for a correctional institution concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(e) all sales of tangible personal property or services purchased by a contractor for the erection, repair or enlargement of buildings or other projects for the government of the United States, its agencies or instrumentalities, that would be exempt from taxation if purchased directly by the government of the United States, its agencies or instrumentalities. When the government of the United States, its agencies or instrumentalities shall contract for the erection, repair, or enlargement of any building or other project, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the government of the United States, its agencies or instrumentalities concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(f) tangible personal property purchased by a railroad or public utility for consumption or movement directly and immediately in interstate commerce;

(g) sales of aircraft including remanufactured and modified aircraft sold to persons using directly or through an authorized agent such aircraft as certified or licensed

carriers of persons or property in interstate or foreign commerce under authority of the laws of the United States or any foreign government or sold to any foreign government or agency or instrumentality of such foreign government and all sales of aircraft for use outside of the United States and sales of aircraft repair, modification and replacement parts and sales of services employed in the remanufacture, modification and repair of aircraft;

(h) all rentals of nonsectarian textbooks by public or private elementary or secondary schools;

(i) the lease or rental of all films, records, tapes, or any type of sound or picture transcriptions used by motion picture exhibitors;

(j) meals served without charge or food used in the preparation of such meals to employees of any restaurant, eating house, dining car, hotel, drugstore or other place where meals or drinks are regularly sold to the public if such employees' duties are related to the furnishing or sale of such meals or drinks;

(k) any motor vehicle, semitrailer or pole trailer, as such terms are defined by K.S.A. 8-126, and amendments thereto, or aircraft sold and delivered in this state to a bona fide resident of another state, which motor vehicle, semitrailer, pole trailer or aircraft is not to be registered or based in this state and which vehicle, semitrailer, pole trailer or aircraft will not remain in this state more than 10 days;

(l) all isolated or occasional sales of tangible personal property, services, substances or things, except isolated or occasional sale of motor vehicles specifically taxed under the provisions of K.S.A. 79-3603(o), and amendments thereto;

(m) all sales of tangible personal property that become an ingredient or component part of tangible personal property or services produced, manufactured or compounded for ultimate sale at retail within or without the state of Kansas; and any such producer, manufacturer or compounder may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for use as an ingredient or component part of the property or services produced, manufactured or compounded;

(n) all sales of tangible personal property that is consumed in the production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property, the treating of by-products or wastes derived from any such production process, the providing of services or the irrigation of crops for ultimate sale at retail within or without the state of Kansas; and any purchaser of such property may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for consumption in such production, manufacture, processing, mining, drilling, refining, compounding, treating, irrigation and in providing such services;

(o) all sales of animals, fowl and aquatic plants and animals, the primary purpose of which is use in agriculture or aquaculture, as defined in K.S.A. 47-1901, and amendments thereto, the production of food for human consumption, the production of animal, dairy, poultry or aquatic plant and animal products, fiber or fur, or the production of offspring for use for any such purpose or purposes;

(p) all sales of drugs dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, "drug" means a compound, substance or preparation and any component of a compound, substance or preparation, other than food and food

ingredients, dietary supplements or alcoholic beverages, recognized in the official United States pharmacopeia, official homeopathic pharmacopoeia of the United States or official national formulary, and supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease or intended to affect the structure or any function of the body, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of drugs used in the performance or induction of an abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(q) all sales of insulin dispensed by a person licensed by the state board of pharmacy to a person for treatment of diabetes at the direction of a person licensed to practice medicine by the state board of healing arts;

(r) all sales of oxygen delivery equipment, kidney dialysis equipment, enteral feeding systems, prosthetic devices and mobility enhancing equipment prescribed in writing by a person licensed to practice the healing arts, dentistry or optometry, and in addition to such sales, all sales of hearing aids, as defined by K.S.A. 74-5807(c), and amendments thereto, and repair and replacement parts therefor, including batteries, by a person licensed in the practice of dispensing and fitting hearing aids pursuant to the provisions of K.S.A. 74-5808, and amendments thereto. For the purposes of this subsection: (1) "Mobility enhancing equipment" means equipment including repair and replacement parts to same, but does not include durable medical equipment, which is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle; is not generally used by persons with normal mobility; and does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer; and (2) "prosthetic device" means a replacement, corrective or supportive device including repair and replacement parts for same worn on or in the body to artificially replace a missing portion of the body, prevent or correct physical deformity or malfunction or support a weak or deformed portion of the body;

(s) except as provided in K.S.A. 2018 Supp. 82a-2101, and amendments thereto, all sales of tangible personal property or services purchased directly or indirectly by a groundwater management district organized or operating under the authority of K.S.A. 82a-1020 et seq., and amendments thereto, by a rural water district organized or operating under the authority of K.S.A. 82a-612, and amendments thereto, or by a water supply district organized or operating under the authority of K.S.A. 19-3501 et seq., 19-3522 et seq. or 19-3545, and amendments thereto, which property or services are used in the construction activities, operation or maintenance of the district;

(t) all sales of farm machinery and equipment or aquaculture machinery and equipment, repair and replacement parts therefor and services performed in the repair and maintenance of such machinery and equipment. For the purposes of this subsection the term "farm machinery and equipment or aquaculture machinery and equipment" shall include a work-site utility vehicle, as defined in K.S.A. 8-126, and amendments thereto, and is equipped with a bed or cargo box for hauling materials, and shall also include machinery and equipment used in the operation of Christmas tree farming but shall not include any passenger vehicle, truck, truck tractor, trailer, semitrailer or pole trailer, other than a farm trailer, as such terms are defined by K.S.A. 8-126, and amendments thereto. "Farm machinery and equipment" includes precision farming equipment that is portable or is installed or purchased to be installed on farm machinery

and equipment. "Precision farming equipment" includes the following items used only in computer-assisted farming, ranching or aquaculture production operations: Soil testing sensors, yield monitors, computers, monitors, software, global positioning and mapping systems, guiding systems, modems, data communications equipment and any necessary mounting hardware, wiring and antennas. Each purchaser of farm machinery and equipment or aquaculture machinery and equipment exempted herein must certify in writing on the copy of the invoice or sales ticket to be retained by the seller that the farm machinery and equipment or aquaculture machinery and equipment purchased will be used only in farming, ranching or aquaculture production. Farming or ranching shall include the operation of a feedlot and farm and ranch work for hire and the operation of a nursery;

(u) all leases or rentals of tangible personal property used as a dwelling if such tangible personal property is leased or rented for a period of more than 28 consecutive days;

(v) all sales of tangible personal property to any contractor for use in preparing meals for delivery to homebound elderly persons over 60 years of age and to homebound disabled persons or to be served at a group-sitting at a location outside of the home to otherwise homebound elderly persons over 60 years of age and to otherwise homebound disabled persons, as all or part of any food service project funded in whole or in part by government or as part of a private nonprofit food service project available to all such elderly or disabled persons residing within an area of service designated by the private nonprofit organization, and all sales of tangible personal property for use in preparing meals for consumption by indigent or homeless individuals whether or not such meals are consumed at a place designated for such purpose, and all sales of food products by or on behalf of any such contractor or organization for any such purpose;

(w) all sales of natural gas, electricity, heat and water delivered through mains, lines or pipes: (1) To residential premises for noncommercial use by the occupant of such premises; (2) for agricultural use and also, for such use, all sales of propane gas; (3) for use in the severing of oil; and (4) to any property which is exempt from property taxation pursuant to K.S.A. 79-201b, Second through Sixth. As used in this paragraph, "severing" means the same as defined in K.S.A. 79-4216(k), and amendments thereto. For all sales of natural gas, electricity and heat delivered through mains, lines or pipes pursuant to the provisions of subsection (w)(1) and (w)(2), the provisions of this subsection shall expire on December 31, 2005;

(x) all sales of propane gas, LP-gas, coal, wood and other fuel sources for the production of heat or lighting for noncommercial use of an occupant of residential premises occurring prior to January 1, 2006;

(y) all sales of materials and services used in the repairing, servicing, altering, maintaining, manufacturing, remanufacturing, or modification of railroad rolling stock for use in interstate or foreign commerce under authority of the laws of the United States;

(z) all sales of tangible personal property and services purchased directly by a port authority or by a contractor therefor as provided by the provisions of K.S.A. 12-3418, and amendments thereto;

(aa) all sales of materials and services applied to equipment that is transported into the state from without the state for repair, service, alteration, maintenance,

remanufacture or modification and that is subsequently transported outside the state for use in the transmission of liquids or natural gas by means of pipeline in interstate or foreign commerce under authority of the laws of the United States;

(bb) all sales of used mobile homes or manufactured homes. As used in this subsection: (1) "Mobile homes" and "manufactured homes" mean the same as defined in K.S.A. 58-4202, and amendments thereto; and (2) "sales of used mobile homes or manufactured homes" means sales other than the original retail sale thereof;

(cc) all sales of tangible personal property or services purchased prior to January 1, 2012, except as otherwise provided, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business or retail business that meets the requirements established in K.S.A. 74-50,115, and amendments thereto, and the sale and installation of machinery and equipment purchased for installation at any such business or retail business, and all sales of tangible personal property or services purchased on or after January 1, 2012, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business that meets the requirements established in K.S.A. 74-50,115(e), and amendments thereto, and the sale and installation of machinery and equipment purchased for installation at any such business. When a person shall contract for the construction, reconstruction, enlargement or remodeling of any such business or retail business, such person shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials, machinery and equipment for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the owner of the business or retail business a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials, machinery or equipment purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed thereon, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. As used in this subsection, "business" and "retail business" mean the same as defined in K.S.A. 74-50,114, and amendments thereto. Project exemption certificates that have been previously issued under this subsection by the department of revenue pursuant to K.S.A. 74-50,115, and amendments thereto, but not including K.S.A. 74-50,115(e), and amendments thereto, prior to January 1, 2012, and have not expired will be effective for the term of the project or two years from the effective date of the certificate, whichever occurs earlier. Project exemption certificates that are submitted to the department of revenue prior to January 1, 2012, and are found to qualify will be issued a project exemption certificate that will be effective for a two-year period or for the term of the project, whichever occurs earlier;

(dd) all sales of tangible personal property purchased with food stamps issued by the United States department of agriculture;

(ee) all sales of lottery tickets and shares made as part of a lottery operated by the

state of Kansas;

(ff) on and after July 1, 1988, all sales of new mobile homes or manufactured homes to the extent of 40% of the gross receipts, determined without regard to any trade-in allowance, received from such sale. As used in this subsection, "mobile homes" and "manufactured homes" mean the same as defined in K.S.A. 58-4202, and amendments thereto;

(gg) all sales of tangible personal property purchased in accordance with vouchers issued pursuant to the federal special supplemental food program for women, infants and children;

(hh) all sales of medical supplies and equipment, including durable medical equipment, purchased directly by a nonprofit skilled nursing home or nonprofit intermediate nursing care home, as defined by K.S.A. 39-923, and amendments thereto, for the purpose of providing medical services to residents thereof. This exemption shall not apply to tangible personal property customarily used for human habitation purposes. As used in this subsection, "durable medical equipment" means equipment including repair and replacement parts for such equipment, that can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of illness or injury and is not worn in or on the body, but does not include mobility enhancing equipment as defined in subsection (r), oxygen delivery equipment, kidney dialysis equipment or enteral feeding systems;

(ii) all sales of tangible personal property purchased directly by a nonprofit organization for nonsectarian comprehensive multidiscipline youth development programs and activities provided or sponsored by such organization, and all sales of tangible personal property by or on behalf of any such organization. This exemption shall not apply to tangible personal property customarily used for human habitation purposes;

(jj) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly on behalf of a community-based facility for people with intellectual disability or mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto, and licensed in accordance with the provisions of K.S.A. 2018 Supp. 39-2001 et seq., and amendments thereto, and all sales of tangible personal property or services purchased by contractors during the time period from July, 2003, through June, 2006, for the purpose of constructing, equipping, maintaining or furnishing a new facility for a community-based facility for people with intellectual disability or mental health center located in Riverton, Cherokee County, Kansas, that would have been eligible for sales tax exemption pursuant to this subsection if purchased directly by such facility or center. This exemption shall not apply to tangible personal property customarily used for human habitation purposes;

(kk) (1) (A) all sales of machinery and equipment that are used in this state as an integral or essential part of an integrated production operation by a manufacturing or processing plant or facility;

(B) all sales of installation, repair and maintenance services performed on such machinery and equipment; and

(C) all sales of repair and replacement parts and accessories purchased for such machinery and equipment.

(2) For purposes of this subsection:

(A) "Integrated production operation" means an integrated series of operations engaged in at a manufacturing or processing plant or facility to process, transform or convert tangible personal property by physical, chemical or other means into a different form, composition or character from that in which it originally existed. Integrated production operations shall include: (i) Production line operations, including packaging operations; (ii) preproduction operations to handle, store and treat raw materials; (iii) post production handling, storage, warehousing and distribution operations; and (iv) waste, pollution and environmental control operations, if any;

(B) "production line" means the assemblage of machinery and equipment at a manufacturing or processing plant or facility where the actual transformation or processing of tangible personal property occurs;

(C) "manufacturing or processing plant or facility" means a single, fixed location owned or controlled by a manufacturing or processing business that consists of one or more structures or buildings in a contiguous area where integrated production operations are conducted to manufacture or process tangible personal property to be ultimately sold at retail. Such term shall not include any facility primarily operated for the purpose of conveying or assisting in the conveyance of natural gas, electricity, oil or water. A business may operate one or more manufacturing or processing plants or facilities at different locations to manufacture or process a single product of tangible personal property to be ultimately sold at retail;

(D) "manufacturing or processing business" means a business that utilizes an integrated production operation to manufacture, process, fabricate, finish or assemble items for wholesale and retail distribution as part of what is commonly regarded by the general public as an industrial manufacturing or processing operation or an agricultural commodity processing operation. (i) Industrial manufacturing or processing operations include, by way of illustration but not of limitation, the fabrication of automobiles, airplanes, machinery or transportation equipment, the fabrication of metal, plastic, wood or paper products, electricity power generation, water treatment, petroleum refining, chemical production, wholesale bottling, newspaper printing, ready mixed concrete production, and the remanufacturing of used parts for wholesale or retail sale. Such processing operations shall include operations at an oil well, gas well, mine or other excavation site where the oil, gas, minerals, coal, clay, stone, sand or gravel that has been extracted from the earth is cleaned, separated, crushed, ground, milled, screened, washed or otherwise treated or prepared before its transmission to a refinery or before any other wholesale or retail distribution. (ii) Agricultural commodity processing operations include, by way of illustration but not of limitation, meat packing, poultry slaughtering and dressing, processing and packaging farm and dairy products in sealed containers for wholesale and retail distribution, feed grinding, grain milling, frozen food processing, and grain handling, cleaning, blending, fumigation, drying and aeration operations engaged in by grain elevators or other grain storage facilities. (iii) Manufacturing or processing businesses do not include, by way of illustration but not of limitation, nonindustrial businesses whose operations are primarily retail and that produce or process tangible personal property as an incidental part of conducting the retail business, such as retailers who bake, cook or prepare food products in the regular course of their retail trade, grocery stores, meat lockers and meat markets that butcher or dress livestock or poultry in the regular course of their retail trade, contractors who alter, service, repair or improve real property, and retail businesses that clean, service or

refurbish and repair tangible personal property for its owner;

(E) "repair and replacement parts and accessories" means all parts and accessories for exempt machinery and equipment, including, but not limited to, dies, jigs, molds, patterns and safety devices that are attached to exempt machinery or that are otherwise used in production, and parts and accessories that require periodic replacement such as belts, drill bits, grinding wheels, grinding balls, cutting bars, saws, refractory brick and other refractory items for exempt kiln equipment used in production operations;

(F) "primary" or "primarily" mean more than 50% of the time.

(3) For purposes of this subsection, machinery and equipment shall be deemed to be used as an integral or essential part of an integrated production operation when used:

(A) To receive, transport, convey, handle, treat or store raw materials in preparation of its placement on the production line;

(B) to transport, convey, handle or store the property undergoing manufacturing or processing at any point from the beginning of the production line through any warehousing or distribution operation of the final product that occurs at the plant or facility;

(C) to act upon, effect, promote or otherwise facilitate a physical change to the property undergoing manufacturing or processing;

(D) to guide, control or direct the movement of property undergoing manufacturing or processing;

(E) to test or measure raw materials, the property undergoing manufacturing or processing or the finished product, as a necessary part of the manufacturer's integrated production operations;

(F) to plan, manage, control or record the receipt and flow of inventories of raw materials, consumables and component parts, the flow of the property undergoing manufacturing or processing and the management of inventories of the finished product;

(G) to produce energy for, lubricate, control the operating of or otherwise enable the functioning of other production machinery and equipment and the continuation of production operations;

(H) to package the property being manufactured or processed in a container or wrapping in which such property is normally sold or transported;

(I) to transmit or transport electricity, coke, gas, water, steam or similar substances used in production operations from the point of generation, if produced by the manufacturer or processor at the plant site, to that manufacturer's production operation; or, if purchased or delivered from off-site, from the point where the substance enters the site of the plant or facility to that manufacturer's production operations;

(J) to cool, heat, filter, refine or otherwise treat water, steam, acid, oil, solvents or other substances that are used in production operations;

(K) to provide and control an environment required to maintain certain levels of air quality, humidity or temperature in special and limited areas of the plant or facility, where such regulation of temperature or humidity is part of and essential to the production process;

(L) to treat, transport or store waste or other byproducts of production operations at the plant or facility; or

(M) to control pollution at the plant or facility where the pollution is produced by the manufacturing or processing operation.

(4) The following machinery, equipment and materials shall be deemed to be

exempt even though it may not otherwise qualify as machinery and equipment used as an integral or essential part of an integrated production operation: (A) Computers and related peripheral equipment that are utilized by a manufacturing or processing business for engineering of the finished product or for research and development or product design; (B) machinery and equipment that is utilized by a manufacturing or processing business to manufacture or rebuild tangible personal property that is used in manufacturing or processing operations, including tools, dies, molds, forms and other parts of qualifying machinery and equipment; (C) portable plants for aggregate concrete, bulk cement and asphalt including cement mixing drums to be attached to a motor vehicle; (D) industrial fixtures, devices, support facilities and special foundations necessary for manufacturing and production operations, and materials and other tangible personal property sold for the purpose of fabricating such fixtures, devices, facilities and foundations. An exemption certificate for such purchases shall be signed by the manufacturer or processor. If the fabricator purchases such material, the fabricator shall also sign the exemption certificate; (E) a manufacturing or processing business' laboratory equipment that is not located at the plant or facility, but that would otherwise qualify for exemption under subsection (3)(E); (F) all machinery and equipment used in surface mining activities as described in K.S.A. 49-601 et seq., and amendments thereto, beginning from the time a reclamation plan is filed to the acceptance of the completed final site reclamation.

(5) "Machinery and equipment used as an integral or essential part of an integrated production operation" shall not include:

(A) Machinery and equipment used for nonproduction purposes, including, but not limited to, machinery and equipment used for plant security, fire prevention, first aid, accounting, administration, record keeping, advertising, marketing, sales or other related activities, plant cleaning, plant communications and employee work scheduling;

(B) machinery, equipment and tools used primarily in maintaining and repairing any type of machinery and equipment or the building and plant;

(C) transportation, transmission and distribution equipment not primarily used in a production, warehousing or material handling operation at the plant or facility, including the means of conveyance of natural gas, electricity, oil or water, and equipment related thereto, located outside the plant or facility;

(D) office machines and equipment including computers and related peripheral equipment not used directly and primarily to control or measure the manufacturing process;

(E) furniture and other furnishings;

(F) buildings, other than exempt machinery and equipment that is permanently affixed to or becomes a physical part of the building, and any other part of real estate that is not otherwise exempt;

(G) building fixtures that are not integral to the manufacturing operation, such as utility systems for heating, ventilation, air conditioning, communications, plumbing or electrical;

(H) machinery and equipment used for general plant heating, cooling and lighting;

(I) motor vehicles that are registered for operation on public highways; or

(J) employee apparel, except safety and protective apparel that is purchased by an employer and furnished gratuitously to employees who are involved in production or research activities.

(6) Subsections (3) and (5) shall not be construed as exclusive listings of the machinery and equipment that qualify or do not qualify as an integral or essential part of an integrated production operation. When machinery or equipment is used as an integral or essential part of production operations part of the time and for nonproduction purposes at other times, the primary use of the machinery or equipment shall determine whether or not such machinery or equipment qualifies for exemption.

(7) The secretary of revenue shall adopt rules and regulations necessary to administer the provisions of this subsection;

(ll) all sales of educational materials purchased for distribution to the public at no charge by a nonprofit corporation organized for the purpose of encouraging, fostering and conducting programs for the improvement of public health, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such materials purchased by a nonprofit corporation which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(mm) all sales of seeds and tree seedlings; fertilizers, insecticides, herbicides, germicides, pesticides and fungicides; and services, purchased and used for the purpose of producing plants in order to prevent soil erosion on land devoted to agricultural use;

(nn) except as otherwise provided in this act, all sales of services rendered by an advertising agency or licensed broadcast station or any member, agent or employee thereof;

(oo) all sales of tangible personal property purchased by a community action group or agency for the exclusive purpose of repairing or weatherizing housing occupied by low-income individuals;

(pp) all sales of drill bits and explosives actually utilized in the exploration and production of oil or gas;

(qq) all sales of tangible personal property and services purchased by a nonprofit museum or historical society or any combination thereof, including a nonprofit organization that is organized for the purpose of stimulating public interest in the exploration of space by providing educational information, exhibits and experiences, that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(rr) all sales of tangible personal property that will admit the purchaser thereof to any annual event sponsored by a nonprofit organization that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such tangible personal property purchased by a nonprofit organization which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(ss) all sales of tangible personal property and services purchased by a public broadcasting station licensed by the federal communications commission as a noncommercial educational television or radio station;

(tt) all sales of tangible personal property and services purchased by or on behalf of a not-for-profit corporation that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the sole purpose of constructing a Kansas Korean War memorial;

(uu) all sales of tangible personal property and services purchased by or on behalf of any rural volunteer fire-fighting organization for use exclusively in the performance

of its duties and functions;

(vv) all sales of tangible personal property purchased by any of the following organizations that are exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the following purposes, and all sales of any such property by or on behalf of any such organization for any such purpose:

(1) The American heart association, Kansas affiliate, inc. for the purposes of providing education, training, certification in emergency cardiac care, research and other related services to reduce disability and death from cardiovascular diseases and stroke;

(2) the Kansas alliance for the mentally ill, inc. for the purpose of advocacy for persons with mental illness and to education, research and support for their families;

(3) the Kansas mental illness awareness council for the purposes of advocacy for persons who are mentally ill and for education, research and support for them and their families;

(4) the American diabetes association Kansas affiliate, inc. for the purpose of eliminating diabetes through medical research, public education focusing on disease prevention and education, patient education including information on coping with diabetes, and professional education and training;

(5) the American lung association of Kansas, inc. for the purpose of eliminating all lung diseases through medical research, public education including information on coping with lung diseases, professional education and training related to lung disease and other related services to reduce the incidence of disability and death due to lung disease;

(6) the Kansas chapters of the Alzheimer's disease and related disorders association, inc. for the purpose of providing assistance and support to persons in Kansas with Alzheimer's disease, and their families and caregivers;

(7) the Kansas chapters of the Parkinson's disease association for the purpose of eliminating Parkinson's disease through medical research and public and professional education related to such disease;

(8) the national kidney foundation of Kansas and western Missouri for the purpose of eliminating kidney disease through medical research and public and private education related to such disease;

(9) the heartstrings community foundation for the purpose of providing training, employment and activities for adults with developmental disabilities;

(10) the cystic fibrosis foundation, heart of America chapter, for the purposes of assuring the development of the means to cure and control cystic fibrosis and improving the quality of life for those with the disease;

(11) the spina bifida association of Kansas for the purpose of providing financial, educational and practical aid to families and individuals with spina bifida. Such aid includes, but is not limited to, funding for medical devices, counseling and medical educational opportunities;

(12) the CHWC, Inc., for the purpose of rebuilding urban core neighborhoods through the construction of new homes, acquiring and renovating existing homes and other related activities, and promoting economic development in such neighborhoods;

(13) the cross-lines cooperative council for the purpose of providing social services to low income individuals and families;

(14) the dreams work, inc., for the purpose of providing young adult day services to individuals with developmental disabilities and assisting families in avoiding institutional or nursing home care for a developmentally disabled member of their family;

(15) the KSDS, Inc., for the purpose of promoting the independence and inclusion of people with disabilities as fully participating and contributing members of their communities and society through the training and providing of guide and service dogs to people with disabilities, and providing disability education and awareness to the general public;

(16) the lyme association of greater Kansas City, Inc., for the purpose of providing support to persons with lyme disease and public education relating to the prevention, treatment and cure of lyme disease;

(17) the dream factory, inc., for the purpose of granting the dreams of children with critical and chronic illnesses;

(18) the Ottawa Suzuki strings, inc., for the purpose of providing students and families with education and resources necessary to enable each child to develop fine character and musical ability to the fullest potential;

(19) the international association of lions clubs for the purpose of creating and fostering a spirit of understanding among all people for humanitarian needs by providing voluntary services through community involvement and international cooperation;

(20) the Johnson county young matrons, inc., for the purpose of promoting a positive future for members of the community through volunteerism, financial support and education through the efforts of an all volunteer organization;

(21) the American cancer society, inc., for the purpose of eliminating cancer as a major health problem by preventing cancer, saving lives and diminishing suffering from cancer, through research, education, advocacy and service;

(22) the community services of Shawnee, inc., for the purpose of providing food and clothing to those in need;

(23) the angel babies association, for the purpose of providing assistance, support and items of necessity to teenage mothers and their babies; and

(24) the Kansas fairgrounds foundation for the purpose of the preservation, renovation and beautification of the Kansas state fairgrounds;

(ww) all sales of tangible personal property purchased by the habitat for humanity for the exclusive use of being incorporated within a housing project constructed by such organization;

(xx) all sales of tangible personal property and services purchased by a nonprofit zoo that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, or on behalf of such zoo by an entity itself exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986 contracted with to operate such zoo and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo that would be exempt from taxation under the provisions of this section if purchased directly by such nonprofit zoo or the entity operating such zoo. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping,

reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo. When any nonprofit zoo shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the nonprofit zoo concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, the nonprofit zoo concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(yy) all sales of tangible personal property and services purchased by a parent-teacher association or organization, and all sales of tangible personal property by or on behalf of such association or organization;

(zz) all sales of machinery and equipment purchased by over-the-air, free access radio or television station that is used directly and primarily for the purpose of producing a broadcast signal or is such that the failure of the machinery or equipment to operate would cause broadcasting to cease. For purposes of this subsection, machinery and equipment shall include, but not be limited to, that required by rules and regulations of the federal communications commission, and all sales of electricity which are essential or necessary for the purpose of producing a broadcast signal or is such that the failure of the electricity would cause broadcasting to cease;

(aaa) all sales of tangible personal property and services purchased by a religious organization that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, and used exclusively for religious purposes, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization that would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing,

maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. Sales tax paid on and after July 1, 1998, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(bbb) all sales of food for human consumption by an organization that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, pursuant to a food distribution program that offers such food at a price below cost in exchange for the performance of community service by the purchaser thereof;

(ccc) on and after July 1, 1999, all sales of tangible personal property and services purchased by a primary care clinic or health center the primary purpose of which is to provide services to medically underserved individuals and families, and that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining,

repairing, enlarging, furnishing or remodeling facilities for any such clinic or center that would be exempt from taxation under the provisions of this section if purchased directly by such clinic or center, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such tangible personal property and services purchased by a primary care clinic or health center which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center. When any such clinic or center shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such clinic or center concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such clinic or center concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(ddd) on and after January 1, 1999, and before January 1, 2000, all sales of materials and services purchased by any class II or III railroad as classified by the federal surface transportation board for the construction, renovation, repair or replacement of class II or III railroad track and facilities used directly in interstate commerce. In the event any such track or facility for which materials and services were purchased sales tax exempt is not operational for five years succeeding the allowance of such exemption, the total amount of sales tax that would have been payable except for the operation of this subsection shall be recouped in accordance with rules and regulations adopted for such purpose by the secretary of revenue;

(eee) on and after January 1, 1999, and before January 1, 2001, all sales of materials and services purchased for the original construction, reconstruction, repair or replacement of grain storage facilities, including railroad sidings providing access

thereto;

(fff) all sales of material handling equipment, racking systems and other related machinery and equipment that is used for the handling, movement or storage of tangible personal property in a warehouse or distribution facility in this state; all sales of installation, repair and maintenance services performed on such machinery and equipment; and all sales of repair and replacement parts for such machinery and equipment. For purposes of this subsection, a warehouse or distribution facility means a single, fixed location that consists of buildings or structures in a contiguous area where storage or distribution operations are conducted that are separate and apart from the business' retail operations, if any, and that do not otherwise qualify for exemption as occurring at a manufacturing or processing plant or facility. Material handling and storage equipment shall include aeration, dust control, cleaning, handling and other such equipment that is used in a public grain warehouse or other commercial grain storage facility, whether used for grain handling, grain storage, grain refining or processing, or other grain treatment operation;

(ggg) all sales of tangible personal property and services purchased by or on behalf of the Kansas academy of science, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and used solely by such academy for the preparation, publication and dissemination of education materials;

(hhh) all sales of tangible personal property and services purchased by or on behalf of all domestic violence shelters that are member agencies of the Kansas coalition against sexual and domestic violence;

(iii) all sales of personal property and services purchased by an organization that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and such personal property and services are used by any such organization in the collection, storage and distribution of food products to nonprofit organizations that distribute such food products to persons pursuant to a food distribution program on a charitable basis without fee or charge, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities used for the collection and storage of such food products for any such organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, that would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so

made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. Sales tax paid on and after July 1, 2005, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(jjj) all sales of dietary supplements dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, "dietary supplement" means any product, other than tobacco, intended to supplement the diet that: (1) Contains one or more of the following dietary ingredients: A vitamin, a mineral, an herb or other botanical, an amino acid, a dietary substance for use by humans to supplement the diet by increasing the total dietary intake or a concentrate, metabolite, constituent, extract or combination of any such ingredient; (2) is intended for ingestion in tablet, capsule, powder, softgel, gelcap or liquid form, or if not intended for ingestion, in such a form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and (3) is required to be labeled as a dietary supplement, identifiable by the supplemental facts box found on the label and as required pursuant to 21 C.F.R. § 101.36;

(lll) all sales of tangible personal property and services purchased by special olympics Kansas, inc. for the purpose of providing year-round sports training and athletic competition in a variety of olympic-type sports for individuals with intellectual disabilities by giving them continuing opportunities to develop physical fitness, demonstrate courage, experience joy and participate in a sharing of gifts, skills and friendship with their families, other special olympics athletes and the community, and activities provided or sponsored by such organization, and all sales of tangible personal property by or on behalf of any such organization;

(mmm) all sales of tangible personal property purchased by or on behalf of the

Marillac center, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing psycho-social-biological and special education services to children, and all sales of any such property by or on behalf of such organization for such purpose;

(nnn) all sales of tangible personal property and services purchased by the west Sedgwick county-sunrise rotary club and sunrise charitable fund for the purpose of constructing a boundless playground which is an integrated, barrier free and developmentally advantageous play environment for children of all abilities and disabilities;

(ooo) all sales of tangible personal property by or on behalf of a public library serving the general public and supported in whole or in part with tax money or a not-for-profit organization whose purpose is to raise funds for or provide services or other benefits to any such public library;

(ppp) all sales of tangible personal property and services purchased by or on behalf of a homeless shelter that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal income tax code of 1986, and used by any such homeless shelter to provide emergency and transitional housing for individuals and families experiencing homelessness, and all sales of any such property by or on behalf of any such homeless shelter for any such purpose;

(qqq) all sales of tangible personal property and services purchased by TLC for children and families, inc., hereinafter referred to as TLC, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and such property and services are used for the purpose of providing emergency shelter and treatment for abused and neglected children as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of TLC for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for TLC for any such purpose that would be exempt from taxation under the provisions of this section if purchased directly by TLC. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for TLC. When TLC contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to TLC a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following

the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, TLC shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(rrr) all sales of tangible personal property and services purchased by any county law library maintained pursuant to law and sales of tangible personal property and services purchased by an organization that would have been exempt from taxation under the provisions of this subsection if purchased directly by the county law library for the purpose of providing legal resources to attorneys, judges, students and the general public, and all sales of any such property by or on behalf of any such county law library;

(sss) all sales of tangible personal property and services purchased by catholic charities or youthville, hereinafter referred to as charitable family providers, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing emergency shelter and treatment for abused and neglected children as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of charitable family providers for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for charitable family providers for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by charitable family providers. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for charitable family providers. When charitable family providers contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to charitable family providers a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th

day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, charitable family providers shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(ttt) all sales of tangible personal property or services purchased by a contractor for a project for the purpose of restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility owned by a nonprofit museum that has been granted an exemption pursuant to subsection (qq), which such home or facility is located in a city that has been designated as a qualified hometown pursuant to the provisions of K.S.A. 75-5071 et seq., and amendments thereto, and which such project is related to the purposes of K.S.A. 75-5071 et seq., and amendments thereto, and that would be exempt from taxation under the provisions of this section if purchased directly by such nonprofit museum. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility for any such nonprofit museum. When any such nonprofit museum shall contract for the purpose of restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to such nonprofit museum a sworn statement on a form to be provided by the director of taxation that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in a home or facility or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such nonprofit museum shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the

penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(uuu) all sales of tangible personal property and services purchased by Kansas children's service league, hereinafter referred to as KCSL, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing for the prevention and treatment of child abuse and maltreatment as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of KCSL for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for KCSL for any such purpose that would be exempt from taxation under the provisions of this section if purchased directly by KCSL. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for KCSL. When KCSL contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to KCSL a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, KCSL shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(vvv) all sales of tangible personal property or services, including the renting and leasing of tangible personal property or services, purchased by jazz in the woods, inc., a Kansas corporation that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing jazz in the woods, an event benefiting children-in-need and other nonprofit charities assisting such children, and all sales of any such property by or on behalf of such organization for such purpose;

(www) all sales of tangible personal property purchased by or on behalf of the Frontenac education foundation, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing education support for students, and all sales of any such property by or on behalf of such organization for such purpose;

(xxx) all sales of personal property and services purchased by the booth theatre foundation, inc., an organization, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such personal property and services are used by any such organization in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling of the booth theatre, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling the booth theatre for such organization, that would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. Sales tax paid on and after January 1, 2007, but prior to the effective date of this act upon the gross receipts received from any sale which would have been exempted by the provisions of this subsection had such sale occurred after the effective date of this act shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms

furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(yyy) all sales of tangible personal property and services purchased by TLC charities foundation, inc., hereinafter referred to as TLC charities, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of encouraging private philanthropy to further the vision, values, and goals of TLC for children and families, inc.; and all sales of such property and services by or on behalf of TLC charities for any such purpose and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for TLC charities for any such purpose that would be exempt from taxation under the provisions of this section if purchased directly by TLC charities. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for TLC charities. When TLC charities contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to TLC charities a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be incorporated into the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, TLC charities shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(zzz) all sales of tangible personal property purchased by the rotary club of shawnee foundation, which is exempt from federal income taxation pursuant to section

501(c)(3) of the federal internal revenue code of 1986, as amended, used for the purpose of providing contributions to community service organizations and scholarships;

(aaaa) all sales of personal property and services purchased by or on behalf of victory in the valley, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing a cancer support group and services for persons with cancer, and all sales of any such property by or on behalf of any such organization for any such purpose;

(bbbb) all sales of entry or participation fees, charges or tickets by Guadalupe health foundation, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for such organization's annual fundraising event which purpose is to provide health care services for uninsured workers;

(cccc) all sales of tangible personal property or services purchased by or on behalf of wayside waifs, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing such organization's annual fundraiser, an event whose purpose is to support the care of homeless and abandoned animals, animal adoption efforts, education programs for children and efforts to reduce animal over-population and animal welfare services, and all sales of any such property, including entry or participation fees or charges, by or on behalf of such organization for such purpose;

(dddd) all sales of tangible personal property or services purchased by or on behalf of goodwill industries or Easter seals of Kansas, inc., both of which are exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing education, training and employment opportunities for people with disabilities and other barriers to employment;

(eeee) all sales of tangible personal property or services purchased by or on behalf of all American beef battalion, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of educating, promoting and participating as a contact group through the beef cattle industry in order to carry out such projects that provide support and morale to members of the United States armed forces and military services;

(ffff) all sales of tangible personal property and services purchased by sheltered living, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing residential and day services for people with developmental disabilities or intellectual disability, or both, and all sales of any such property by or on behalf of sheltered living, inc., for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of rehabilitating, constructing, maintaining, repairing, enlarging, furnishing or remodeling homes and facilities for sheltered living, inc., for any such purpose that would be exempt from taxation under the provisions of this section if purchased directly by sheltered living, inc. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such homes and facilities for sheltered living, inc. When sheltered living, inc., contracts for the purpose of rehabilitating, constructing, maintaining, repairing, enlarging, furnishing or remodeling

such homes and facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to sheltered living, inc., a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, sheltered living, inc., shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(gggg) all sales of game birds for which the primary purpose is use in hunting;

(hhhh) all sales of tangible personal property or services purchased on or after July 1, 2014, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business identified under the North American industry classification system (NAICS) subsectors 1123, 1124, 112112, 112120 or 112210, and the sale and installation of machinery and equipment purchased for installation at any such business. The exemption provided in this subsection shall not apply to projects that have actual total costs less than \$50,000. When a person contracts for the construction, reconstruction, enlargement or remodeling of any such business, such person shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials, machinery and equipment for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to the owner of the business a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor of the contractor, who shall use or otherwise dispose of any materials, machinery or equipment purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed thereon, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the

penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(iiii) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for Wichita children's home for any such purpose that would be exempt from taxation under the provisions of this section if purchased directly by Wichita children's home. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for Wichita children's home. When Wichita children's home contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to Wichita children's home a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, Wichita children's home shall be liable for the tax on all materials purchased for the project, and upon payment, it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(ijij) all sales of tangible personal property or services purchased by or on behalf of the beacon, inc., that is exempt from federal income taxation pursuant to section 501(c) (3) of the federal internal revenue code, for the purpose of providing those desiring help with food, shelter, clothing and other necessities of life during times of special need;

(kkkk) all sales of tangible personal property and services purchased by or on behalf of reaching out from within, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of sponsoring self-help programs for incarcerated persons that will enable such incarcerated persons to become role models for non-violence while in correctional facilities and productive family members and citizens upon return to the community;
and

(llll) all sales of tangible personal property and services purchased by Gove county healthcare endowment foundation, inc., which is exempt from federal income taxation

pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of constructing and equipping an airport in Quinter, Kansas, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing and equipping an airport in Quinter, Kansas, for such organization, that would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing or equipping of facilities for such organization. When such organization shall contract for the purpose of constructing or equipping an airport in Quinter, Kansas, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation no later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. The provisions of this subsection shall expire and have no effect on and after July 1, 2019; and

(mmmm) all sales of gold or silver coins; and palladium, platinum, gold or silver bullion. For the purposes of this subsection, "bullion" means bars, ingots or commemorative medallions of gold, silver, platinum, palladium, or a combination thereof, for which the value of the metal depends on its content and not the form.

Sec. 4. K.S.A. 2018 Supp. 12-187, 12-189 and 79-3606 are hereby repealed.";

Also on page 2, in line 20, by striking "Kansas register" and inserting "statute book";

On page 1, in the title, in line 1, by striking all after "concerning"; by striking line 2; in line 3, by striking all before the second semicolon and inserting "sales and compensating use tax; relating to countywide retailers' sales tax, election, Dickinson, Jackson, Russell, Thomas and Wabaunsee counties, rates and election for Finney county, director of taxation; exemptions, sales of certain coins or bullion"; in line 4, by striking "K.S.A. 74-4986l, 74-4986p and 74-4986r" and inserting "K.S.A. 2018 Supp. 12-187, 12-189 and 79-3606";

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

ROB OLSON
 RICK BILLINGER
 MARY WARE

Conferees on part of Senate

STEVEN JOHNSON
 LES MASON
 JIM GARTNER

Conferees on part of House

Senator Olson moved the Senate adopt the Conference Committee Report on **HB 2140**.

Senator Tyson made a substitute motion to not adopt the Conference Committee Report and a new conference committee be appointed.

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

On roll call, the vote was: Yeas 11; Nays 19; Present and Passing 10; Absent or Not Voting 0.

Yeas: Alley, Bollier, Bowers, Faust-Goudeau, Hensley, Holland, Miller, Pettey, Pilcher-Cook, Sykes, Tyson.

Nays: Billinger, Denning, Doll, Francisco, Goddard, Hawk, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pyle, Rucker, Skubal, Taylor, Wagle, Wilborn.

Present and Passing: Baumgardner, Berger, Braun, Estes, Givens, Haley, Hardy, Hilderbrand, Suellentrop, Ware.

The substitute motion failed.

Senator Olson moved the Senate adopt the Conference Committee Report on **HB 2140**.

On roll call, the vote was: Yeas 33; Nays 7; Present and Passing 0; Absent or Not Voting 0.

Yeas: Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Hardy, Hawk, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Wagle, Ware, Wilborn.

Nays: Alley, Haley, Hensley, Holland, Miller, Pilcher-Cook, Tyson.

The Conference Committee Report was adopted.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Friday, May 3, 2019.

Journal of the Senate

FIFTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, May 3, 2019, 10:00 a.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 40 senators present.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, You've blessed us to see the end of another week. Yet, we know that our work is not over. After work, there's more work. After that work, there's still more.

Sometimes we are weary and long for some rest and relaxation. But, Lord, remind us that work is something You've created us to do. It's not just a consequence of Adam and Eve's sin in Genesis 3. You charged them with working the garden before sin and it's consequences entered the world.

So, Lord, as we face our work today, as we face the tasks ahead, remind us to be thankful. Your Word says, in Colossians 3:22-24, that the work we do and the labor we put into it is to be pleasing to You over and above our efforts to please others.

So, Lord, let those we serve and report to see evidence that our loyalty and service to them is just the outcome of our loyalty and commitment to You. For we know with all certainty that is from You, that we will receive our greatest rewards.

Thank You, Lord, for another day to serve. In Jesus' Name I pray, Amen.

The Pledge of Allegiance was led by President Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Ways and Means: **SB 241**.

CHANGE OF REFERENCE

The President withdrew **SB 225** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Public Health and Welfare**.

MESSAGES FROM THE GOVERNOR

May 3, 2019

Enclosed is Executive Order 19-08 for your information.

Laura Kelly
Governor

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

CONSIDERATION OF APPOINTMENTS

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

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

By the Governor

On the appointment to the:

State Corporation Commission:

Susan Duffy, to serve a term ending March 15, 2023

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Taylor, Tyson, Wagle, Ware, Wilborn.

Nays: Doll.

Absent or Not Voting: Sykes.

The appointment was confirmed.

By the Governor

On the appointment to the:

Department of Labor:

Delia Garcia, serves at the pleasure of the governor

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

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Taylor, Tyson, Wagle, Ware, Wilborn.

Nays: Doll.

Absent or Not Voting: Sykes.

The appointment was confirmed.

MESSAGE FROM THE HOUSE

The House not adopts the Conference Committee report on **H Sub SB 25**, requests a conference and appoints Representatives Waymaster, Hoffman and Wolfe Moore as second conferees on the part of the House.

ORIGINAL MOTION

On motion of Senator McGinn, the Senate acceded to the request of the House for a conference on **H Sub SB 25**.

The President appointed Senators McGinn, Billinger and Hawk as second conferees on the part of the Senate.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with President Wagle in the chair.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report to agree to disagree on **H Sub SB 25**, and has appointed Representatives Waymaster, Hoffman and Wolfe Moore as third conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **H Sub SB 25** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

TROY WAYMASTER

KYLE HOFFMAN

Conferees on part of House

CAROLYN MCGINN

RICK BILLINGER

Conferees on part of Senate

On motion of Senator McGinn the Senate adopted the conference committee report on **H Sub SB 25**, and requested a new conference be appointed.

The President appointed Senators McGinn, Billinger and Hawk as a Third Conference Committee on the part of the Senate on **H Sub SB 25**.

On motion of Senator Denning, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with President Wagle in the chair.

MESSAGE FROM THE HOUSE

The House not adopts the conference committee report on **H Sub SB 25** and appoints Representatives Waymaster, Hoffman and Wolfe Moore as fourth conferees on the part of the House.

ORIGINAL MOTION

On motion of Senator Billinger, the Senate acceded to the request of the House for a conference on **H Sub SB 25**.

The President appointed Senators Billinger, Denning and Hawk as fourth conferees on the part of the Senate.

REPORT ON ENROLLED BILLS

SR 1739, SR 1740, SR 1741, SR 1742, SR 1743 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 3, 2019.

On motion of Senator Denning, the Senate adjourned until 11:00 a.m., Saturday, May 4, 2019.

Journal of the Senate

FIFTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Saturday, May 4, 2019, 10:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 40 senators present.

Invocation by Reverend Cecil T. Washington:

Lord, in heartfelt humility; in meekness of spirit, we come seeking the guidance that should ultimately come from You.

In Exodus 31:18, when You finished speaking to Moses on that hill called Mt. Sinai, You gave him the Commandments; the Laws You had written in stone, to provide the guidance, needed by Your people.

And we find that the three branches of our government are patterned after the words of Your Prophet Isaiah in chapter 33, verse 22. There we see that You are the Real Law Giver, You are the Real Judge and You are the Real Administrator.

So Lord, when You finish speaking to us, on each of our mountains of responsibility, give us the guidance, the commandments, the laws that we need. To the glory of Your Name and to the good of Your people, we wait upon You for a good finish.

I come to You in the Name of Your Son, Amen and Amen.

The Pledge of Allegiance was led by President Wagle.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1744—

A RESOLUTION recognizing Raney L. Gilliland for his many years of service and dedication to the Kansas Legislature and the State of Kansas.

WHEREAS, Raney L. Gilliland began his distinguished state service with the Kansas Legislative Research Department (KLRD) on January 2, 1979, serving the Legislature and the agency for 40 years and 41 legislative sessions. During Raney's tenure with the department, KLRD provided staff support to 20 presiding officers: 7 Presidents of the Senate and 13 Speakers of the House of Representatives; and

WHEREAS, The son of a farmer and stockman, Raney brought his rural Jackson County roots with him to his beloved alma mater and obtained a Bachelor of Science degree in political science and a Master of Science degree in agricultural economics from Kansas State University; and

WHEREAS, Raney began his legislative service as a research assistant and served as a research analyst, principal analyst, and the assistant director for research prior to February 2012, when he was named the Interim Director of KLRD, a support staff agency for the Legislature that provides nonpartisan, objective research and fiscal analysis; and

WHEREAS, The Legislative Coordinating Council appointed Raney to the post of Director of Legislative Research in August 2012, where he served until his retirement in March 2019. In that role, Raney participated in the biannual meetings of the consensus revenue estimate group and provided both his leadership and experience to the group's work; and

WHEREAS, During his tenure at KLRD, Raney met his wife, Jill. A few years later, the Gillilands welcomed their son, Asher, who would also go on to become a graduate of Kansas State University. The Gillilands share a passion for arts and music, K-State athletics, and the preservation and collection of clothing buttons, having participated in several conventions of the National Button Society; and

WHEREAS, Raney's service extended to his exemplary work with legislative committees, as was his expectation of all KLRD analysts and legislative fellows who staff legislative committees. Raney was well known for his contributions to the standing committees on agriculture and natural resources and the joint committee on administrative rules and regulations: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize Raney L. Gilliland for his many years of service and dedication to the State of Kansas and the Kansas Legislative Research Department, and we wish him all the best during his well-deserved retirement; and

Be it further resolved: Because long-standing public servants are essential to government, the State of Kansas appreciates and celebrates Raney as a dedicated employee and all of his work for the state; and

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

On emergency motion of Senator Hensley **SR 1744** was adopted unanimously.

On motion of Senator Denning, the Senate recessed to the sound of the gavel.

The Senate met pursuant to recess with Vice President Longbine in the chair.

ORIGINAL MOTION

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **HB 2160**.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MADAM PRESIDENT: Your committee on conference on Senate amendments to **HB 2160** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

CARYN TYSON
DAN KERSCHEN
Conferees on part of Senate

STEVEN JOHNSON
LES MASON
Conferees on part of House

On motion of Senator Tyson the Senate adopted the conference committee report on **HB 2160**, and requested a new conference be appointed.

The Vice President appointed Senators Tyson, Kerschene and Holland as a second Conference Committee on the part of the Senate on **HB 2160**.

On motion of Senator Denning, the Senate recessed to the sound of the gavel.

The Senate met pursuant to recess with Vice President Longbine in the chair.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **SB 25**.

ORIGINAL MOTION

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **H Sub SB 25, HB 2203, HB 2248**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **H Sub SB 25** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed as House Substitute for Senate Bill No. 25, as follows:

On page 1, by striking all in lines 14 through 36;

By striking all on pages 2 through 307;

On page 308, by striking all in lines 1 through 12, and inserting:

"Section 1. (a) For the fiscal years ending June 30, 2019, June 30, 2020, June 30, 2021, and June 30, 2022, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, capital improvement projects, assessments, fees, receipts, disbursements, procedures and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

(b) The agencies named in this act are hereby authorized to initiate and complete the capital improvement projects specified and authorized by this act or for which appropriations are made by this act, subject to the restrictions and limitations imposed by this act.

(c) The provisions of this act relating to fiscal year 2020 shall be known and may be cited as the omnibus appropriation act of 2019 and shall constitute the omnibus reconciliation spending limit bill for the 2019 regular session of the legislature for

purposes of K.S.A. 75-6702(a), and amendments thereto.

(d) The appropriations made by this act shall not be subject to the provisions of K.S.A. 46-155, and amendments thereto.

Sec. 2. (a) The department of corrections is hereby authorized and directed to pay the following amount from the Hutchinson correctional facility – facilities operations account of the state general fund for property lost to the following claimant:

Michael Toney #71755
P.O. Box 1568
Hutchinson, KS 67504.....\$13.23

(b) The department of corrections is hereby authorized and directed to pay the following amounts from the Lansing correctional facility – facilities operations account of the state general fund for property lost to the following claimants:

Steven Louis #106652
301 E. Kansas Ave.
Lansing, KS 66043.....\$21.11
Clyde Sullivan, Jr. #44512
301 E. Kansas Ave.
Lansing, KS 66043.....\$1.91

(c) The department of corrections is hereby authorized and directed to pay the following amount from the Larned correctional mental facility – facilities operations account of the state general fund for property lost to the following claimant:

Joseph Chung #95306
P.O. Box 1568
Hutchinson, KS 67504.....\$11.62

Sec. 3. The Kansas department for children and families is hereby authorized and directed to pay the following amount from the social welfare fund for expenses related to the expungement of her developmentally disabled daughter, Megan Miller, from the Kansas child abuse and neglect registry:

Sharon Miller
825 Coving Dr.
Lawrence, KS 66049.....\$2,000

Sec. 4. The department of revenue is hereby authorized and directed to pay the following amounts from the motor-vehicle fuel tax refund fund, for claims not filed within the statutory filing period prescribed in K.S.A. 79-3458, and amendments thereto, to the following claimants:

Harold Armstrong
8920 Parallel Rd.
Frankfort, KS 66427.....\$57.00
Phillip Babcock
473 Road W3
Norton, KS 67654.....\$41.28
Kathy Barr
9775 W 333rd St.
Lebo, KS 66856.....\$78.60
Raymond C. Becker
468 Hwy 20 W
Lancaster, KS 66041.....\$726.41

Boge Iron & Metal Co. P.O. Box 286 Wichita, KS 67201.....	\$377.78
Bohm Farm & Ranch Inc. 632 S. Broadway Blvd. Salina, KS 67401.....	\$2,725.54
Patricia Brehm 1946 1400 Ave. Hope, KS 67451.....	\$45.00
City of Wichita 455 N. Main St. Wichita, KS 67202.....	\$8,669.83
John Clark 4144 NW Valencia Rd. Silver Lake, KS 66539.....	\$105.00
Joe F. Clemence 2541 Jeep Rd. Abilene, KS 67410.....	\$205.20
Blake Elliott 787 Paint Rd. Hope, KS 67451.....	\$133.56
General Motors, LLC P.O. Box 9016 Detroit, MI 48202.....	\$54,992.30
Terry D. Goering 1307 E. 20 th Ave. Hutchinson, KS 67502.....	\$67.56
Jerome Goetz 13563 S. Road 45 E Park, KS 67751.....	\$1,153.15
Greeley County Road Dept. P.O. Box 458 Tribune, KS 67879.....	\$1,756.87
Larry P. Hibbard 858 EE75 Rd. Toronto, KS 66777.....	\$107.88
Brenton L. Johnson 1190 Frontier Rd. Minneapolis, KS 67467.....	\$81.00
Lyon County Highway Dept. 500 S. Prairie St. Emporia, KS 66801.....	\$2,619.86
Nelson Brothers Farm 2074 Stafford Rd. Ottawa, KS 66067.....	\$47.40
Harold Quaintance, Jr. 16995 Four Corners Rd.	

Gardner, KS 66030.....	\$33.24
Ronald Schmitz 1778 Limestone Rd. Home, KS 66438.....	\$130.68
John R. Strobel 31464 N. Highway 59 Garnett, KS 66032.....	\$33.00
USD 212 Northern Valley 512 Bryant St. Almena, KS 67622.....	\$2,629.98
USD 267 Renwick P.O. Box 68 Andale, KS 67001.....	\$934.83
USD 300 Comanche County P.O. Box 721 Coldwater, KS 67029.....	\$253.89
USD 329 Wabaunsee P.O. Box 157 Alma, KS 66401.....	\$910.42
Don R. Vitt 12425 Trego Rd. Saint Paul, KS 66771.....	\$100.68
Kenneth Vitt 2075 Lynx Rd. NW Lebo, KS 66856.....	\$950.76
John T. White P.O. Box 114 Allen, KS 66833.....	\$38.76
Larry D. Wilson 801 W. South City Limit St. Smith Center, KS 66967.....	\$35.40
Wineglass Ranch 1964 Road 21 Severy, KS 67137.....	\$794.88

Sec. 5. (a) Except as otherwise provided by this act, the director of accounts and reports is hereby authorized and directed to draw warrants on the state treasurer in favor of the claimants specified in sections 2 through 4 of this act, upon vouchers duly executed by the state agencies directed to pay the amounts specified in such sections to the claimants or their legal representatives or duly authorized agents, as provided by law.

(b) The director of accounts and reports shall secure prior to the payment of any amount to any claimant, other than amounts authorized to be paid pursuant to section 4, as motor-vehicle fuel tax refunds or as transactions between state agencies as provided by sections 2 and 3 of this act, a written release and satisfaction of all claims and rights against the state of Kansas and any agencies, officers and employees of the state of Kansas regarding their respective claims.

Sec. 6.

ABSTRACTERS' BOARD OF EXAMINERS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Abstracters' fee fund (016-00-2700-0100)

For the fiscal year ending June 30, 2020.....	\$25,704
For the fiscal year ending June 30, 2021.....	\$25,703

Sec. 7.

BOARD OF ACCOUNTANCY

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the board of accountancy fee fund (028-00-2701-0100) of the board of accountancy is hereby increased from \$390,655 to \$403,420.

Sec. 8.

BOARD OF ACCOUNTANCY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Board of accountancy fee fund (028-00-2701-0100)

For the fiscal year ending June 30, 2020.....	\$410,616
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Provided, That expenditures from the board of accountancy fee fund for the fiscal year ending June 30, 2020, for official hospitality shall not exceed \$1,200.

For the fiscal year ending June 30, 2021.....	\$416,663
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Provided, That expenditures from the board of accountancy fee fund for the fiscal year ending June 30, 2021, for official hospitality shall not exceed \$1,200.

Special litigation reserve fund (028-00-2715-2700)

For the fiscal year ending June 30, 2020.....	No limit
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Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2020, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

For the fiscal year ending June 30, 2021.....	No limit
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Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2021, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in

the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

(b) During the fiscal year ending June 30, 2020, the executive director of the board of accountancy, with the approval of the director of the budget, may transfer moneys from the board of accountancy fee fund (028-00-2701-0100) to the special litigation reserve fund (028-00-2715-2700) of the board of accountancy: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2020, shall not exceed \$15,000: *Provided further*; That the executive director of the board of accountancy shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

(c) During the fiscal year ending June 30, 2021, the executive director of the board of accountancy, with the approval of the director of the budget, may transfer moneys from the board of accountancy fee fund (028-00-2701-0100) to the special litigation reserve fund (028-00-2715-2700) of the board of accountancy: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2021, shall not exceed \$15,000: *Provided further*; That the executive director of the board of accountancy shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

Sec. 9.

STATE BANK COMMISSIONER

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the bank commissioner fee fund (094-00-2811) of the state bank commissioner is hereby decreased from \$11,542,856 to \$11,356,673.

Sec. 10.

STATE BANK COMMISSIONER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Bank commissioner fee fund (094-00-2811)
For the fiscal year ending June 30, 2020.....\$11,500,017

Provided, That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2020, for official hospitality for the division of consumer and mortgage lending shall not exceed \$1,000: *Provided further*; That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2020, for official hospitality for the division of banking shall not exceed \$1,000.

For the fiscal year ending June 30, 2021.....\$11,662,597

Provided, That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2021, for official hospitality for the division of consumer and mortgage lending shall not exceed \$1,000: *Provided further*; That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2021, for official hospitality

for the division of banking shall not exceed \$1,000.

Bank examination and investigation fund (094-00-2013-1010)

For the fiscal year ending June 30, 2020.....No limit

For the fiscal year ending June 30, 2021.....No limit

Consumer education settlement fund (094-00-2560-2500)

For the fiscal year ending June 30, 2020.....No limit

Provided, That expenditures may be made from the consumer education settlement fund for the fiscal year ending June 30, 2020, for consumer education purposes, which may be in accordance with contracts for such activities, which are hereby authorized to be entered into by the state bank commissioner or the deputy commissioner of the consumer and mortgage lending division, as the case may require, and the entities conducting such activities.

For the fiscal year ending June 30, 2021.....No limit

Provided, That expenditures may be made from the consumer education settlement fund for the fiscal year ending June 30, 2021, for consumer education purposes, which may be in accordance with contracts for such activities, which are hereby authorized to be entered into by the state bank commissioner or the deputy commissioner of the consumer and mortgage lending division, as the case may require, and the entities conducting such activities.

Litigation expense fund (094-00-2499-2499)

For the fiscal year ending June 30, 2020.....No limit

Provided, That the above agency is authorized to make expenditures from the litigation expense fund for the fiscal year ending June 30, 2020, for costs, fees, and expenses associated with administrative or judicial proceedings regarding the enforcement of laws administered by the consumer and mortgage lending division and the enforcement and collection of assessed fines, fees and consumer refunds: *Provided further*; That, during the fiscal year ending June 30, 2020, a portion of the moneys collected as a result of fines and investigative fees collected by the consumer and mortgage lending division, as determined by the deputy of the consumer and mortgage lending division, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the litigation expense fund.

For the fiscal year ending June 30, 2021.....No limit

Provided, That the above agency is authorized to make expenditures from the litigation expense fund for the fiscal year ending June 30, 2021, for costs, fees, and expenses associated with administrative or judicial proceedings regarding the enforcement of laws administered by the consumer and mortgage lending division and the enforcement and collection of assessed fines, fees and consumer refunds: *Provided further*; That, during the fiscal year ending June 30, 2021, a portion of the moneys collected as a result of fines and investigative fees collected by the consumer and mortgage lending division, as determined by the deputy of the consumer and mortgage lending division, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the litigation expense fund.

(b) During the fiscal years ending June 30, 2020, and June 30, 2021, notwithstanding the provisions of K.S.A. 9-2209, 9-2218, 16a-2-302 and 16a-6-104, and amendments thereto, or any other statute, all moneys received under the Kansas

mortgage business act or the uniform consumer credit code for fines or settlement moneys designated for consumer education shall be deposited in the state treasury to the credit of the consumer education settlement fund (094-00-2560-2500).

Sec. 11.

KANSAS BOARD OF BARBERING

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the barbering fee fund (100-00-2704-0100) of the Kansas board of barbering is hereby increased from \$151,968 to \$176,231.

Sec. 12.

KANSAS BOARD OF BARBERING

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Board of barbering fee fund (100-00-2704-0100)

For the fiscal year ending June 30, 2020.....\$157,263

Provided, That expenditures from the board of barbering fee fund for the fiscal year ending June 30, 2020, for official hospitality shall not exceed \$500.

For the fiscal year ending June 30, 2021.....\$157,501

Provided, That expenditures from the board of barbering fee fund for the fiscal year ending June 30, 2021, for official hospitality shall not exceed \$500.

Sec. 13.

BEHAVIORAL SCIENCES REGULATORY BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Behavioral sciences regulatory board fee fund (102-00-2730-0100)

For the fiscal year ending June 30, 2020.....\$939,864

Provided, That expenditures from the behavioral sciences regulatory board fee fund for the fiscal year ending June 30, 2020, for official hospitality shall not exceed \$1,000:

Provided further, That all expenditures from the behavioral sciences regulatory board fee fund for the fiscal year ending June 30, 2020, for disciplinary hearings shall be in addition to any expenditure limitation imposed on the behavioral sciences regulatory board fee fund for fiscal year 2020.

For the fiscal year ending June 30, 2021.....\$947,220

Provided, That expenditures from the behavioral sciences regulatory board fee fund for the fiscal year ending June 30, 2021, for official hospitality shall not exceed \$1,000:

Provided further, That all expenditures from the behavioral sciences regulatory board fee fund for the fiscal year ending June 30, 2021, for disciplinary hearings shall be in addition to any expenditure limitation imposed on the behavioral sciences regulatory board fee fund for fiscal year 2021.

Sec. 14.

STATE BOARD OF HEALING ARTS

(a) There is appropriated for the above agency from the following special revenue

fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Healing arts fee fund (105-00-2705-0100)

For the fiscal year ending June 30, 2020.....\$6,145,005

Provided, That expenditures from the healing arts fee fund for the fiscal year ending June 30, 2020, for official hospitality shall not exceed \$1,000: *Provided further*, That all expenditures from the healing arts fee fund for the fiscal year ending June 30, 2020, for disciplinary hearings shall be in addition to any expenditure limitation imposed on the healing arts fee fund for fiscal year 2020.

For the fiscal year ending June 30, 2021.....\$6,331,086

Provided, That expenditures from the healing arts fee fund for the fiscal year ending June 30, 2021, for official hospitality shall not exceed \$1,000: *Provided further*, That all expenditures from the healing arts fee fund for the fiscal year ending June 30, 2021, for disciplinary hearings shall be in addition to any expenditure limitation imposed on the healing arts fee fund for fiscal year 2021.

Medical records maintenance trust fund (105-00-7206-7200)

For the fiscal year ending June 30, 2020.....\$35,000

For the fiscal year ending June 30, 2021.....\$35,000

Sec. 15.

KANSAS STATE BOARD OF COSMETOLOGY

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the cosmetology fee fund (149-00-2706-0100) of the Kansas state board of cosmetology is hereby increased from \$1,055,134 to \$1,059,134.

Sec. 16.

KANSAS STATE BOARD OF COSMETOLOGY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Cosmetology fee fund (149-00-2706-0100)

For the fiscal year ending June 30, 2020.....\$1,124,211

Provided, That expenditures from the cosmetology fee fund for the fiscal year ending June 30, 2020, for official hospitality shall not exceed \$2,000.

For the fiscal year ending June 30, 2021.....\$1,144,609

Provided, That expenditures from the cosmetology fee fund for the fiscal year ending June 30, 2021, for official hospitality shall not exceed \$2,000.

Sec. 17.

STATE DEPARTMENT OF CREDIT UNIONS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Credit union fee fund (159-00-2026-0100)

For the fiscal year ending June 30, 2020.....\$1,251,313

Provided, That expenditures from the credit union fee fund for the fiscal year ending June 30, 2020, for official hospitality shall not exceed \$300.

For the fiscal year ending June 30, 2021.....\$1,269,934

Provided, That expenditures from the credit union fee fund for the fiscal year ending June 30, 2021, for official hospitality shall not exceed \$300.

Sec. 18.

KANSAS DENTAL BOARD

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the dental board fee fund (167-00-2708-0100) of the Kansas dental board is hereby decreased from \$427,804 to \$414,000.

(b) On the effective date of this act, the expenditure limitation for official hospitality established for the fiscal year ending June 30, 2019, by section 17(a) of chapter 104 of the 2017 Session Laws of Kansas on the dental board fee fund (167-00-2708-0100) of the Kansas dental board is hereby increased from \$500 to \$750.

Sec. 19.

KANSAS DENTAL BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Dental board fee fund (167-00-2708-0100)

For the fiscal year ending June 30, 2020.....\$418,500

Provided, That expenditures from the dental board fee fund for the fiscal year ending June 30, 2020, for official hospitality shall not exceed \$750.

For the fiscal year ending June 30, 2021..... \$420,600

Provided, That expenditures from the dental board fee fund for the fiscal year ending June 30, 2021, for official hospitality shall not exceed \$750.

Special litigation reserve fund (167-00-2749-2000)

For the fiscal year ending June 30, 2020.....No limit

Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2020, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

For the fiscal year ending June 30, 2021.....No limit

Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2021, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in

the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

Sec. 20.

STATE BOARD OF MORTUARY ARTS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Mortuary arts fee fund (204-00-2709-0100)

For the fiscal year ending June 30, 2020.....\$318,862

Provided, That expenditures from the mortuary arts fee fund for the fiscal year ending June 30, 2020, for official hospitality shall not exceed \$500.

For the fiscal year ending June 30, 2021.....\$325,571

Provided, That expenditures from the mortuary arts fee fund for the fiscal year ending June 30, 2021, for official hospitality shall not exceed \$500.

Sec. 21.

KANSAS BOARD OF EXAMINERS IN FITTING AND DISPENSING OF HEARING INSTRUMENTS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 19(a) of chapter 104 of the 2017 Session Laws of Kansas on the hearing instrument board fee fund (266-00-2712-9900) of the Kansas board of examiners in fitting and dispensing of hearing instruments is hereby increased from \$26,290 to \$26,996.

Sec. 22.

KANSAS BOARD OF EXAMINERS IN FITTING AND DISPENSING OF HEARING INSTRUMENTS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Hearing instrument board fee fund (266-00-2712-9900)

For the fiscal year ending June 30, 2020.....\$26,948

For the fiscal year ending June 30, 2021.....\$26,907

Hearing instrument litigation fund (266-00-2136-2136)

For the fiscal year ending June 30, 2020.....No limit

Provided, That no expenditures shall be made from the hearing instrument litigation fund for the fiscal year ending June 30, 2020, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

For the fiscal year ending June 30, 2021.....No limit
Provided, That no expenditures shall be made from the hearing instrument litigation fund for the fiscal year ending June 30, 2021, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

Sec. 23.

BOARD OF NURSING

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the board of nursing fee fund (482-00-2716-0200) of the board of nursing is hereby increased from \$2,655,711 to \$2,706,173.

Sec. 24.

BOARD OF NURSING

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Board of nursing fee fund (482-00-2716-0200)
 - For the fiscal year ending June 30, 2020.....\$2,767,090
 - Provided*, That expenditures from the board of nursing fee fund for the fiscal year ending June 30, 2020, for official hospitality shall not exceed \$500.
 - For the fiscal year ending June 30, 2021.....\$2,747,110
 - Provided*, That expenditures from the board of nursing fee fund for the fiscal year ending June 30, 2021, for official hospitality shall not exceed \$500.
- Gifts and grants fund (482-00-7346-4000)
 - For the fiscal year ending June 30, 2020.....No limit
 - For the fiscal year ending June 30, 2021.....No limit
- Education conference fund (482-00-2209-0100)
 - For the fiscal year ending June 30, 2020.....No limit
 - For the fiscal year ending June 30, 2021.....No limit
- Criminal background and fingerprinting fund (482-00-2745-2700)
 - For the fiscal year ending June 30, 2020.....No limit
 - For the fiscal year ending June 30, 2021.....No limit

Sec. 25.

BOARD OF EXAMINERS IN OPTOMETRY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Optometry fee fund (488-00-2717-0100)

For the fiscal year ending June 30, 2020.....\$160,860
Provided, That expenditures from the optometry fee fund for the fiscal year ending June 30, 2020, for official hospitality shall not exceed \$600.

For the fiscal year ending June 30, 2021.....\$161,435
Provided, That expenditures from the optometry fee fund for the fiscal year ending June 30, 2021, for official hospitality shall not exceed \$600.

Optometry litigation fund (488-00-2547-2547)
For the fiscal year ending June 30, 2020.....No limit
Provided, That no expenditures shall be made from the optometry litigation fund for the fiscal year ending June 30, 2020, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

For the fiscal year ending June 30, 2021.....No limit
Provided, That no expenditures shall be made from the optometry litigation fund for the fiscal year ending June 30, 2021, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

Criminal history fingerprinting fund (488-00-2565-2565)

For the fiscal year ending June 30, 2020.....No limit
For the fiscal year ending June 30, 2021.....No limit
Sec. 26.

STATE BOARD OF PHARMACY

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy is hereby increased from \$1,622,639 to \$1,663,690.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Public health crisis response fund.....No limit
Sec. 27.

STATE BOARD OF PHARMACY

(a) On July 1, 2019, or as soon thereafter as moneys are available, the director of

accounts and reports shall transfer \$705,000 from the medical programs fee fund (264-00-2395-0110) of the department of health and environment – division of health care finance to the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy: *Provided*, That, if the state board of pharmacy receives moneys for the operation and maintenance of the prescription monitoring program through a grant or other cooperative agreement with the federal government during fiscal year 2020, then the executive secretary of the state board of pharmacy shall certify the amount of such moneys received to the director of accounts and reports and shall transmit a copy of such certification to the director of the budget and the director of legislative research: *Provided further*, That, upon receipt of such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer such amount of moneys from the state board of pharmacy fee fund to the medical programs fee fund: *Provided, however*, That the amount of such transfer from the state board of pharmacy fee fund to the medical programs fee fund shall not exceed \$705,000.

(b) On July 1, 2020, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$705,000 from the medical programs fee fund (264-00-2395-0110) of the department of health and environment – division of health care finance to the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State board of pharmacy fee fund (531-00-2718-0100).....\$2,875,739

Provided, That expenditures from the state board of pharmacy fee fund for the fiscal year ending June 30, 2020, for official hospitality shall not exceed \$2,000.

For the fiscal year ending June 30, 2021.....\$2,959,371

Provided, That expenditures from the state board of pharmacy fee fund for the fiscal year ending June 30, 2021, for official hospitality shall not exceed \$2,000.

State board of pharmacy litigation fund (531-00-2733-2700).....No limit

Provided, That no expenditures shall be made from the state board of pharmacy litigation fund for the fiscal year ending June 30, 2020, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

For the fiscal year ending June 30, 2021.....No limit

Provided, That no expenditures shall be made from the state board of pharmacy litigation fund for the fiscal year ending June 30, 2021, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the

requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

Non-federal gifts and grants fund (531-00-7018-7000)

For the fiscal year ending June 30, 2020.....No limit

Provided, That the state board of pharmacy is hereby authorized to apply for and to accept grants and may accept donations, bequests or gifts during fiscal year 2020: *Provided, however*; That the board shall remit all moneys received under this proviso to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto: *Provided further*; That, upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the non-federal gifts and grants fund: *And provided further*; That all expenditures from the non-federal gifts and grants fund for fiscal year 2020 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 state board of pharmacy or a person designated by the president.

For the fiscal year ending June 30, 2021.....No limit

Provided, That the state board of pharmacy is hereby authorized to apply for and to accept grants and may accept donations, bequests or gifts during fiscal year 2021: *Provided, however*; That the board shall remit all moneys received under this proviso to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto: *Provided further*; That, upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the non-federal gifts and grants fund: *And provided further*; That all expenditures from the non-federal gifts and grants fund for fiscal year 2021 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 state board of pharmacy or a person designated by the president.

Prescription drug overdose data-driven prevention initiative – federal fund (531-00-3294-3294)

For the fiscal year ending June 30, 2020.....No limit

For the fiscal year ending June 30, 2021.....No limit

Harold Rogers prescription fund (531-00-3188-3110)

For the fiscal year ending June 30, 2020.....No limit

For the fiscal year ending June 30, 2021.....No limit

Public health crisis response fund

For the fiscal year ending June 30, 2020.....No limit

For the fiscal year ending June 30, 2021.....No limit

(d) During the fiscal year ending June 30, 2020, the executive secretary of the state board of pharmacy, with the approval of the director of the budget, may transfer moneys from the state board of pharmacy fee fund (531-00-2718-0100) to the state board of pharmacy litigation fund (531-00-2733-2700) of the state board of pharmacy: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2020, shall not exceed \$50,000: *Provided further*; That the executive secretary of the state board of

pharmacy shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

(e) During the fiscal year ending June 30, 2021, the executive secretary of the state board of pharmacy, with the approval of the director of the budget, may transfer moneys from the state board of pharmacy fee fund (531-00-2718-0100) to the state board of pharmacy litigation fund (531-00-2733-2700) of the state board of pharmacy: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2021, shall not exceed \$50,000: *Provided further*; That the executive secretary of the state board of pharmacy shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

(f) On July 1, 2019, October 1, 2019, January 1, 2020, and April 1, 2020, the executive secretary of the state board of pharmacy shall certify to the director of accounts and reports the amount of moneys expended for operation and maintenance of the prescription monitoring program established by K.S.A. 65-1681, and amendments thereto, that is attributable to licensees of the board of nursing: *Provided*, That upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount certified from the board of nursing fee fund (482-00-2716-0200) of the board of nursing to the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy: *Provided further*; That the executive secretary of the state board of pharmacy shall transmit a copy of each such certification to the director of the budget, the director of legislative research and the executive administrator of the board of nursing: *Provided, however*; That the aggregate amount of such transfers during fiscal year 2020 shall not exceed \$103,500.

(g) On July 1, 2020, October 1, 2020, January 1, 2021, and April 1, 2021, the executive secretary of the state board of pharmacy shall certify to the director of accounts and reports the amount of moneys expended for operation and maintenance of the prescription monitoring program established by K.S.A. 65-1681, and amendments thereto, that is attributable to licensees of the board of nursing: *Provided*, That upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount certified from the board of nursing fee fund (482-00-2716-0200) of the board of nursing to the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy: *Provided further*; That the executive secretary of the state board of pharmacy shall transmit a copy of each such certification to the director of the budget, the director of legislative research and the executive administrator of the board of nursing: *Provided, however*; That the aggregate amount of such transfers during fiscal year 2021 shall not exceed \$103,500.

(h) On July 1, 2019, October 1, 2019, January 1, 2020, and April 1, 2020, the executive secretary of the state board of pharmacy shall certify to the director of accounts and reports the amount of moneys expended for operation and maintenance of the prescription monitoring program established by K.S.A. 65-1681, and amendments thereto, that is attributable to licensees of the Kansas dental board: *Provided*, That upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount certified from the dental board

fee fund (167-00-2708-0100) of the Kansas dental board to the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy: *Provided further*, That the executive secretary of the state board of pharmacy shall transmit a copy of each such certification to the director of the budget, the director of legislative research and the executive director of the Kansas dental board: *Provided, however*, That the aggregate amount of such transfers during fiscal year 2020 shall not exceed \$41,500.

(i) On July 1, 2020, October 1, 2020, January 1, 2021, and April 1, 2021, the executive secretary of the state board of pharmacy shall certify to the director of accounts and reports the amount of moneys expended for operation and maintenance of the prescription monitoring program established by K.S.A. 65-1681, and amendments thereto, that is attributable to licensees of the Kansas dental board: *Provided*, That upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount certified from the dental board fee fund (167-00-2708-0100) of the Kansas dental board to the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy: *Provided further*, That the executive secretary of the state board of pharmacy shall transmit a copy of each such certification to the director of the budget, the director of legislative research and the executive director of the Kansas dental board: *Provided, however*, That the aggregate amount of such transfers during fiscal year 2021 shall not exceed \$41,500.

(j) On July 1, 2019, October 1, 2019, January 1, 2020, and April 1, 2020, the executive secretary of the state board of pharmacy shall certify to the director of accounts and reports the amount of moneys expended for operation and maintenance of the prescription monitoring program established by K.S.A. 65-1681, and amendments thereto, that is attributable to licensees of the state board of healing arts: *Provided*, That upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount certified from the healing arts fee fund (105-00-2705-0100) of the state board of healing arts to the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy: *Provided further*, That the executive secretary of the state board of pharmacy shall transmit a copy of each such certification to the director of the budget, the director of legislative research and the executive director of the state board of healing arts: *Provided, however*, That the aggregate amount of such transfers during fiscal year 2020 shall not exceed \$235,500.

(k) On July 1, 2020, October 1, 2020, January 1, 2021, and April 1, 2021, the executive secretary of the state board of pharmacy shall certify to the director of accounts and reports the amount of moneys expended for operation and maintenance of the prescription monitoring program established by K.S.A. 65-1681, and amendments thereto, that is attributable to licensees of the state board of healing arts: *Provided*, That upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount certified from the healing arts fee fund (105-00-2705-0100) of the state board of healing arts to the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy: *Provided further*, That the executive secretary of the state board of pharmacy shall transmit a copy of each such certification to the director of the budget, the director of legislative research and the executive director of the state board of healing arts: *Provided, however*, That the aggregate amount of such transfers during fiscal year 2021 shall not exceed \$235,500.

(l) On July 1, 2019, October 1, 2019, January 1, 2020, and April 1, 2020, the executive secretary of the state board of pharmacy shall certify to the director of accounts and reports the amount of moneys expended for operation and maintenance of the prescription monitoring program established by K.S.A. 65-1681, and amendments thereto, that is attributable to licensees of the board of examiners in optometry: *Provided*, That upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount certified from the optometry fee fund (488-00-2717-0100) of the board of examiners in optometry to the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy: *Provided further*; That the executive secretary of the state board of pharmacy shall transmit a copy of each such certification to the director of the budget, the director of legislative research and the executive officer of the board of examiners in optometry: *Provided, however*; That the aggregate amount of such transfers during fiscal year 2020 shall not exceed \$16,500.

(m) On July 1, 2020, October 1, 2020, January 1, 2021, and April 1, 2021, the executive secretary of the state board of pharmacy shall certify to the director of accounts and reports the amount of moneys expended for operation and maintenance of the prescription monitoring program established by K.S.A. 65-1681, and amendments thereto, that is attributable to licensees of the board of examiners in optometry: *Provided*, That upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount certified from the optometry fee fund (488-00-2717-0100) of the board of examiners in optometry to the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy: *Provided further*; That the executive secretary of the state board of pharmacy shall transmit a copy of each such certification to the director of the budget, the director of legislative research and the executive officer of the board of examiners in optometry: *Provided, however*; That the aggregate amount of such transfers during fiscal year 2021 shall not exceed \$16,500.

Sec. 28.

REAL ESTATE APPRAISAL BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Appraiser fee fund (543-00-2732-0100)	
For the fiscal year ending June 30, 2020.....	\$331,906
<i>Provided</i> , That expenditures from the appraiser fee fund for the fiscal year ending June 30, 2020, for official hospitality shall not exceed \$500.	
For the fiscal year ending June 30, 2021.....	\$334,160
<i>Provided</i> , That expenditures from the appraiser fee fund for the fiscal year ending June 30, 2021, for official hospitality shall not exceed \$500.	
Federal registry clearing fund (543-00-7752-7000)	
For the fiscal year ending June 30, 2020.....	No limit
For the fiscal year ending June 30, 2021.....	No limit
AMC federal registry clearing fund (543-00-7755-7755)	
For the fiscal year ending June 30, 2020.....	No limit
For the fiscal year ending June 30, 2021.....	No limit

Special litigation reserve fund (543-00-2698-2698)

For the fiscal year ending June 30, 2020.....No limit

Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2020, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

For the fiscal year ending June 30, 2021.....No limit

Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2021, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

(b) During the fiscal years ending June 30, 2020, and June 30, 2021, the executive director of the real estate appraisal board, with the approval of the director of the budget, may transfer moneys from the appraiser fee fund (543-00-2732-0100) of the real estate appraisal board to the special litigation reserve fund (543-00-2698-2698) of the real estate appraisal board: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2020, and for the fiscal year ending June 30, 2021, shall not exceed \$20,000: *Provided further*, That the executive director of the real estate appraisal board shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

Sec. 29.

KANSAS REAL ESTATE COMMISSION

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the real estate fee fund (549-00-2721-0100) of the Kansas real estate commission is hereby increased from \$1,043,759 to \$1,076,152.

Sec. 30.

KANSAS REAL ESTATE COMMISSION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Real estate fee fund (549-00-2721-0100)

For the fiscal year ending June 30, 2020.....\$1,114,222
Provided, That expenditures from the real estate fee fund for the fiscal year ending June 30, 2020, for official hospitality shall not exceed \$1,000.

For the fiscal year ending June 30, 2021.....\$1,169,916
Provided, That expenditures from the real estate fee fund for the fiscal year ending June 30, 2021, for official hospitality shall not exceed \$1,000.

Real estate recovery revolving fund (549-00-7368-4200)
For the fiscal year ending June 30, 2020.....No limit
For the fiscal year ending June 30, 2021.....No limit

Background investigation fee fund (549-00-2722-2700)
For the fiscal year ending June 30, 2020.....No limit
Provided, That notwithstanding the provisions of K.S.A. 58-3039, and amendments thereto, or any other statute, moneys collected for the purpose of reimbursing the Kansas real estate commission for the cost of fingerprinting and the criminal history record check shall be deposited in the state treasury and credited to the background investigation fee fund.

For the fiscal year ending June 30, 2021.....No limit
Provided, That notwithstanding the provisions of K.S.A. 58-3039, and amendments thereto, or any other statute, moneys collected for the purpose of reimbursing the Kansas real estate commission for the cost of fingerprinting and the criminal history record check shall be deposited in the state treasury and credited to the background investigation fee fund.

Sec. 31.

STATE BOARD OF TECHNICAL PROFESSIONS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the technical professions fee fund (663-00-2729-0100) of the state board of technical professions is hereby decreased from \$764,182 to \$763,182.

Sec. 32.

STATE BOARD OF TECHNICAL PROFESSIONS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Technical professions fee fund (663-00-2729-0100)
For the fiscal year ending June 30, 2020.....\$768,694

Provided, That expenditures from the technical professions fee fund for the fiscal year ending June 30, 2020, for official hospitality shall not exceed \$1,000.

For the fiscal year ending June 30, 2021.....\$775,111
Provided, That expenditures from the technical professions fee fund for the fiscal year ending June 30, 2021, for official hospitality shall not exceed \$1,000.

Special litigation reserve fund (663-00-2739-0200)
For the fiscal year ending June 30, 2020.....No limit

Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2020, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable

effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

For the fiscal year ending June 30, 2021.....No limit
Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2021, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

Sec. 33.

STATE BOARD OF VETERINARY EXAMINERS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the veterinary examiners fee fund (700-00-2727-1100) of the state board of veterinary examiners is hereby decreased from \$360,653 to \$359,953.

(b) On the effective date of this act, expenditures from the veterinary examiners fee fund for the fiscal year ending June 30, 2019, for official hospitality shall not exceed \$700.

Sec. 34.

STATE BOARD OF VETERINARY EXAMINERS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Veterinary examiners fee fund (700-00-2727-1100)
For the fiscal year ending June 30, 2020.....\$363,950

Provided, That expenditures from the veterinary examiners fee fund for the fiscal year ending June 30, 2020, for official hospitality shall not exceed \$700.

For the fiscal year ending June 30, 2021.....\$367,017

Provided, That expenditures from the veterinary examiners fee fund for the fiscal year ending June 30, 2021, for official hospitality shall not exceed \$700.

Sec. 35.

GOVERNMENTAL ETHICS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures (247-00-1000-0103)
For the fiscal year ending June 30, 2020.....\$380,763

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

For the fiscal year ending June 30, 2021.....\$440,772

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2020, is hereby reappropriated for fiscal year 2021.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Governmental ethics commission fee fund (247-00-2188-2000)

For the fiscal year ending June 30, 2020.....\$292,742

For the fiscal year ending June 30, 2021.....\$248,530

Sec. 36.

LEGISLATIVE COORDINATING COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Legislative coordinating council –

operations (422-00-1000-0100).....\$599,702

Provided, That any unencumbered balance in the legislative coordinating council – operations account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That notwithstanding the provisions of K.S.A. 75-3765a, and amendments thereto, or any other statute, expenditures shall be made by the above agency from the legislative coordinating council – operations account of the state general fund for fiscal year 2020 for the designation and identification of room 221-E of the state capitol building as a meditation room.

Legislative research department –

operations (425-00-1000-0103).....\$3,913,474

Provided, That any unencumbered balance in the legislative research department – operations account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Office of revisor of statutes –

operations (579-00-1000-0103).....\$3,976,120

Provided, That any unencumbered balance in the office of revisor of statutes – operations account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Legislative research department special

revenue fund (425-00-2111-2000).....No limit

Sec. 37.

LEGISLATURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Operations (including official

hospitality) (428-00-1000-0103).....\$15,018,014

Provided, That any unencumbered balance in the operations (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures may be made from this account, pursuant to vouchers approved by the chairperson or vice-chairperson of the legislative coordinating council, to pay compensation and travel expenses and subsistence expenses or allowances as authorized by K.S.A. 75-3212, and amendments thereto, for members and associate members of the advisory committee to the Kansas commission on interstate cooperation established under K.S.A. 46-407a, and amendments thereto, for attendance at meetings of the advisory committee that are authorized by the legislative coordinating council, except that: (1) The legislative coordinating council may establish restrictions or limitations, or both, on travel expenses, subsistence expenses or allowances, or any combination thereof, paid to members and associate members of such advisory committee; and (2) any person who is an associate member of such advisory committee, by reason of such person having been accredited by the national conference of commissioners on uniform state laws as a life member of that organization, shall receive the same travel expenses and subsistence expenses for attendance at meetings of the advisory committee as a regular member, but shall receive no per diem compensation: *And provided further*, That expenditures may be made from this account for services, facilities and supplies provided for legislators in addition to those provided under the approved budget and for related copying, facsimile transmission and other services provided to persons other than legislators, in accordance with policies and any restrictions or limitations prescribed by the legislative coordinating council: *And provided further*, That no expenditures shall be made from this account for any meeting of any joint committee, or of any subcommittee of any joint committee, chargeable to fiscal year 2020 unless such meeting is approved by the legislative coordinating council: *And provided further*, That, notwithstanding the provisions of K.S.A. 45-116, and amendments thereto, or any other statute, no expenditures shall be made from this account for the printing and distribution of copies of the permanent journals of the senate or house of representatives to each member of the legislature during fiscal year 2020: *And provided further*, That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this account for the printing and distribution of complete sets of the Kansas Statutes Annotated to each member of the legislature in excess of one complete set of the Kansas Statutes Annotated to each member at the commencement of the member's first term as legislator during fiscal year 2020: *And provided further*, That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this account for the legislator's name to be printed on one complete set of the Kansas Statutes Annotated during fiscal year 2020: *And provided further*, That, notwithstanding the provisions of K.S.A. 77-165, and amendments thereto, or any other statute, no expenditures shall be made from this account for the printing and delivering of a set of the cumulative supplements of the Kansas Statutes Annotated to each member of the legislature in excess of one cumulative supplement set of the Kansas Statutes Annotated to each member of the legislature during fiscal year 2020: *And provided further*, That, notwithstanding the provisions of K.S.A. 75-1005, and amendments thereto, or any other statute, expenditures may be made from this account to reimburse members of the legislature for expenses incurred in printing correspondence with constituents: *And*

provided further, That no expenses shall be reimbursed unless a legislator has first obtained approval for such printing by the director of legislative administrative services: *And provided further*, That such reimbursements shall only be issued after a legislator provides written receipts showing such expense to the director of legislative administrative services: *And provided further*, That the maximum amount reimbursed to any legislator shall be equal to or less than the maximum amount allotted to any legislator for constituent correspondence pursuant to policies adopted by the legislative coordinating council: *And provided further*, That in addition to the other purposes for which expenditures may be made by the above agency from the operations (including official hospitality) account of the state general fund for fiscal year 2020, expenditures shall be made by the above agency from the operations (including official hospitality) account of the state general fund for fiscal year 2020 for the director of legislative administrative services, under the direction of the legislative coordinating council, to administer and supervise the live streaming of legislative proceedings in an amount not to exceed \$247,399: *And provided further*, That in providing such live streaming, the director shall work in cooperation with the information network of Kansas, inc., created by K.S.A. 74-9303, and amendments thereto, which shall provide any services and equipment that the director and the board of the information network of Kansas, inc., have agreed upon and that the director determines to be necessary for the provision of such live streaming.

Legislative information

system (428-00-1000-0300).....\$5,302,117

Provided, That any unencumbered balance in the legislative Information system account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Jordan – legislative claim (428-00-1000-0520).....\$27,768

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Legislative special

revenue fund (428-00-2260-2200).....No limit

Provided, That expenditures may be made from the legislative special revenue fund, pursuant to vouchers approved by the chairperson or the vice-chairperson of the legislative coordinating council, to pay compensation and travel expenses and subsistence expenses or allowances as authorized by K.S.A. 75-3212, and amendments thereto, for members and associate members of the advisory committee to the Kansas commission on interstate cooperation established under K.S.A. 46-407a, and amendments thereto, for attendance at meetings of the advisory committee which are authorized by the legislative coordinating council, except that: (1) The legislative coordinating council may establish restrictions or limitations, or both, on travel expenses, subsistence expenses or allowances, or any combination thereof, paid to members and associate members of such advisory committee; and (2) any person who is an associate member of such advisory committee, by reason of such person having been accredited by the national conference of commissioners on uniform state laws as a life member of that organization, shall receive the same travel expenses and subsistence expenses for attendance at meetings of the advisory committee as a regular member, but

shall receive no per diem compensation: *Provided further*, That expenditures may be made from this fund for services, facilities and supplies provided for legislators in addition to those provided under the approved budget and for related copying, facsimile transmission and other services provided to persons other than legislators, in accordance with policies and any restrictions or limitations prescribed by the legislative coordinating council: *And provided further*, That amounts are hereby authorized to be collected for such services, facilities and supplies in accordance with policies of the council: *And provided further*, That such amounts shall be fixed in order to recover all or part of the expenses incurred for providing such services, facilities and supplies and shall be consistent with policies and fees established in accordance with K.S.A. 46-1207a, and amendments thereto: *And provided further*, That all such amounts received shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the legislative special revenue fund: *And provided further*, That all donations, gifts or bequests of money for the legislative branch of government which are received and accepted by the legislative coordinating council shall be deposited in the state treasury and credited to an account of the legislative special revenue fund: *And provided further*, That no expenditures shall be made from this fund for any meeting of any joint committee, or of any subcommittee of any joint committee, during fiscal year 2020 unless such meeting is approved by the legislative coordinating council: *And provided further*, That, notwithstanding the provisions of K.S.A. 45-116, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the printing and distribution of copies of the permanent journals of the senate or house of representatives to each member of the legislature during fiscal year 2020: *And provided further*, That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the printing and distribution of complete sets of the Kansas Statutes Annotated to each member of the legislature in excess of one complete set of the Kansas Statutes Annotated to each member at the commencement of the member's first term as legislator during fiscal year 2020: *And provided further*, That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the legislator's name to be printed on one complete set of the Kansas Statutes Annotated during fiscal year 2020: *And provided further*, That, notwithstanding the provisions of K.S.A. 77-165, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the printing and delivering of a set of the cumulative supplements of the Kansas Statutes Annotated to each member of the legislature in excess of one cumulative supplement set of the Kansas Statutes Annotated to each member of the legislature during fiscal year 2020.

Capitol restoration – gifts and
 donations fund (428-00-7348-7000).....No limit

(c) As used in this section, "joint committee" includes the joint committee on administrative rules and regulations, health care stabilization fund oversight committee, joint committee on special claims against the state, legislative budget committee, joint committee on state building construction, joint committee on information technology, joint committee on pensions, investments and benefits, joint committee on state-tribal relations, confirmation oversight committee, joint committee on corrections and juvenile justice oversight, compensation commission, joint committee on Kansas

security, Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight, capitol restoration commission, capitol preservation committee and any other committee, commission or other body for which expenditures are to be paid from moneys appropriated for the legislature for the expenses of any meeting of any such body or for the expenses of any member thereof.

Sec. 38.

DIVISION OF POST AUDIT

(a) On the effective date of this act, of the \$2,499,604 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 34(a) of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the operations (including legislative post audit committee) account (540-00-1000-0100), the sum of \$244,600 is hereby lapsed.

Sec. 39.

DIVISION OF POST AUDIT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Operations (including legislative post audit committee) (540-00-1000-0100).....\$2,589,522

Provided, That any unencumbered balance in the operations (including legislative post audit committee) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(b) During the fiscal year ending June 30, 2020, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund for fiscal year 2020 by this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys for the legislative post audit committee to direct the legislative division of post audit to compare the salaries, compensation and allowances paid by the state to members of the legislature, state officers elected on a statewide basis, justices of the supreme court, judges of the court of appeals, district court judges and district magistrate judges to salaries, compensation and allowances paid to such positions in other states: *Provided*, That such comparison shall be presented to the legislative budget committee during the 2019 legislative interim.

Sec. 40.

GOVERNOR'S DEPARTMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Governor's department (252-00-1000-0503).....\$2,432,821

Provided, That any unencumbered balance in the governor's department account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures may be made from this account for official hospitality and contingencies without limitation at the discretion of the governor.

Domestic violence prevention grants (252-00-1000-0600).....\$4,617,656

Provided, That any unencumbered balance in the domestic violence prevention grants account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures may be made from the domestic violence prevention grants account for official hospitality and contingencies without limitation at

the discretion of the governor.

Child advocacy centers (252-00-1000-0610).....\$801,934

Provided, That any unencumbered balance in the child advocacy centers account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures may be made from the child advocacy centers account for official hospitality and contingencies without limitation at the discretion of the governor.

(b) Expenditures may be made by the above agency for travel expenses of the governor's spouse when accompanying the governor or when representing the governor on official state business, for travel and subsistence expenditures for security personnel when traveling with the governor and for entertainment of officials and other persons as guests from the amount appropriated for the fiscal year ending June 30, 2020, by subsection (a) from the state general fund in the governor's department account (252-00-1000-0503).

(c) Expenditures may be made by the above agency for travel expenses of the lieutenant governor's spouse when accompanying the lieutenant governor or when representing the lieutenant governor on official state business, for travel and subsistence expenditures for security personnel when traveling with the lieutenant governor and for entertainment of officials and other persons as guests from the amount appropriated for the fiscal year ending June 30, 2020, by subsection (a) from the state general fund in the governor's department account (252-00-1000-0503).

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Special programs fund (252-00-2149-2000).....No limit

Provided, That expenditures may be made from the special programs fund for operating expenditures for the governor's department, including conferences and official hospitality: *Provided further*, That the governor is hereby authorized to fix, charge and collect fees for such conferences: *And provided further*, That fees for such conferences shall be fixed in order to recover all or part of the operating expenses incurred for such conferences, including official hospitality: *And provided further*, That all fees received for such conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the special programs fund.

Miscellaneous projects fund (252-00-6168-6050).....No limit

Provided, That expenditures may be made from the miscellaneous projects fund for operating expenditures for the governor's department, including conferences and official hospitality: *Provided further*, That the governor is hereby authorized to fix, charge and collect fees for such conferences: *And provided further*, That fees for such conferences shall be fixed in order to recover all or part of the operating expenses incurred for such conferences, including official hospitality: *And provided further*, That all fees received for such conferences and all fees received by the governor's department under the open records act for providing access to or furnishing copies of public records, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the miscellaneous projects fund.

Intragovernmental

service fund (252-00-6161-6000).....No limit
Provided, That expenditures may be made from the intragovernmental service fund for operating expenditures for the governor's department, including conferences and official hospitality: *Provided further*, That the governor is hereby authorized to fix, charge and collect fees for such conferences: *And provided further*, That fees for such conferences shall be fixed in order to recover all or part of the operating expenses incurred for such conferences, including official hospitality: *And provided further*, That all fees received for such conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the intragovernmental service fund.

Conversion of materials and
equipment fund (252-00-2409-0400).....No limit

Hispanic and Latino
American affairs commission –
donations fund (252-00-7236-7200).....No limit

Advisory commission on
African-American affairs –
donations fund (252-00-7242-7210).....No limit

Kansas commission on disability concerns
fee fund (252-00-2767-2705).....No limit

Domestic violence grants fund (252-00-2014-2014).....No limit
Provided, That grants made for domestic violence prevention shall be made after consideration of the recommendation of an entity that has been designated by the United States department of health and human services and by the centers for disease control and prevention as the official domestic violence or sexual assault coalition.

Child advocacy centers
grant fund (252-00-2024-2024).....No limit

Residential substance abuse –
federal fund (252-00-3006-3013).....No limit

Arrest grant – federal fund (252-00-3082-3040).....No limit

National criminal history improvement program –
federal fund (252-00-3189-3195).....No limit

Violence against women grant –
federal fund (252-00-3214-3211).....No limit

Coverdell forensic science improvement –
federal fund (252-00-3227-3234).....No limit

State victim assistance –
federal fund (252-00-3250-3250).....No limit

Crime victim assistance –
federal fund (252-00-3260-3260).....No limit

Access visitation grant –
federal fund (252-00-3460-3460).....No limit

Battered women/family violence prevention –
federal fund (252-00-3461-3461).....No limit

Sexual assault services program –
federal fund (252-00-3465-3465).....No limit

Edward Byrne justice assistance grants –

federal fund (252-00-3757-3763).....	No limit
Prison rape elimination act –	
federal fund (252-00-3758-3755).....	No limit
John R Justice grant –	
federal fund (252-00-3802-3802).....	No limit
Project safe neighborhood grant	
federal fund (252-00-3252-3252).....	No limit
Sec. 41.	

ATTORNEY GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Operating expenditures (082-00-1000).....\$4,913,613

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$2,000.

Litigation costs (082-00-1000-0040).....\$78,000

Provided, That any unencumbered balance in the litigation costs account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Abuse, neglect and

 exploitation unit (082-00-1000-0500).....\$326,628

Provided, That any unencumbered balance in the abuse, neglect and exploitation unit account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures may be made by the attorney general from the abuse, neglect and exploitation unit account pursuant to contracts with other agencies or organizations to provide services related to the investigation or litigation of findings related to abuse, neglect or exploitation.

Child abuse grants (082-00-1000-0400).....\$75,000

Child exchange and

 visitation centers (082-00-1000-0450).....\$128,000

Provided, That notwithstanding the provisions of K.S.A. 74-7334, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2020, the above agency may use moneys in the child exchange and visitation centers account for matching funds.

Protection from abuse (082-00-1000-0900).....\$519,000

Office of inspector general.....\$464,282

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Private detective fee fund (082-00-2029-2029).....No limit

Court cost fund (082-00-2012-2000).....No limit

Bond transcript review

 fee fund (082-00-2254-2300).....No limit

Conversion of materials and

 equipment fund (082-00-2405-2040).....No limit

Attorney general's antitrust special

revenue fund (082-00-2506-2050).....	No limit
Private gifts fund (082-00-7300-7000).....	No limit
Medicaid fraud	
reimbursement fund (082-00-9034-9040).....	No limit
Medicaid fraud control unit (082-00-3060-3080).....	No limit
Attorney general's antitrust	
suspense fund (082-00-9002-9000).....	No limit
Attorney general's consumer protection	
clearing fund (082-00-9003-9010).....	No limit
Attorney general's committee on crime	
prevention fee fund (082-00-2113-2090).....	No limit
<i>Provided</i> , That expenditures may be made from the attorney general's committee on crime prevention fee fund for operating expenditures directly or indirectly related to conducting training seminars organized by the attorney general's committee on crime prevention, including official hospitality: <i>Provided further</i> ; That the attorney general is hereby authorized to fix, charge and collect fees for conducting training seminars organized by the attorney general's committee on crime prevention: <i>And provided further</i> ; That such fees shall be fixed in order to recover all or part of the direct and indirect operating expenses incurred for conducting such seminars, including official hospitality: <i>And provided further</i> ; That all fees received for conducting such seminars shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the attorney general's committee on crime prevention fee fund.	
Tort claims fund (082-00-2613-2080).....	No limit
Crime victims	
compensation fund (082-00-2563-2060).....	No limit
<i>Provided</i> , That expenditures from the crime victims compensation fund for state operations shall not exceed \$463,276: <i>Provided further</i> ; That any expenditures for payment of compensation to crime victims are authorized to be made from this fund regardless of when the claim was awarded.	
Crime victims assistance fund (082-00-2598-2070).....	No limit
Protection from abuse fund (082-00-2239-2030)	No limit
Crime victims grants and	
gifts fund (082-00-7340-7010).....	No limit
<i>Provided</i> , That all private grants and gifts received by the crime victims compensation board shall be deposited to the credit of the crime victims grants and gifts fund.	
Kansas attorney general batterer	
intervention program	
certification fund (082-00-2103-2103).....	No limit
Debt collection administration cost	
recovery fund (082-00-2305-2240).....	No limit
<i>Provided</i> , That the attorney general shall deposit in the state treasury to the credit of the debt collection administration cost recovery fund all moneys remitted to the attorney general as administrative costs under contracts entered into pursuant to K.S.A. 75-719, and amendments thereto.	
Medicaid fraud prosecution	

revolving fund (082-00-2641-2280).....No limit
Provided, That all moneys recovered by the medicaid fraud and abuse division of the attorney general's office in the enforcement of state and federal law which are in excess of any restitution for overcharges and interest, including all moneys recovered as recoupment of expenses of investigation and prosecution, shall be deposited in the state treasury to the credit of the medicaid fraud prosecution revolving fund: *Provided further*; That, notwithstanding the provisions of K.S.A. 2018 Supp. 21-5933, and amendments thereto, or any other statute, expenditures may be made from the medicaid fraud prosecution revolving fund for other operating expenditures of the attorney general's office other than for medicaid fraud prosecution costs.

Interstate water

litigation fund (082-00-2311-2295).....No limit
Provided, That, in addition to the other purposes authorized by K.S.A. 82a-1802, and amendments thereto, expenditures may be made from the interstate water litigation fund for: (1) Litigation costs for the case of Kansas v. Colorado No. 105, Original in the Supreme Court of the United States, including repayment of past contributions; (2) expenses related to the appointment of a river master or such other official as may be appointed by the Supreme Court to administer, implement or enforce its decree or other orders of the Supreme Court related to this case; and (3) expenses incurred by agencies of the state of Kansas to monitor actions of the state of Colorado and its water users and to enforce any settlement, decree or order of the Supreme Court related to this case.

Suspense fund (082-00-9112-9030).....No limit

Children's advocacy

center fund (082-00-2654-2610).....No limit

Abuse, neglect and exploitation of

people with disabilities unit grant

acceptance fund (082-00-2482-2500).....No limit

Concealed weapon

licensure fund (082-00-2450-2400).....No limit

Tobacco master settlement agreement

compliance fund (082-00-2383-2320).....No limit

Sexually violent predator

expense fund (082-00-2379-2310).....No limit

County law enforcement

equipment fund (082-00-2470-2470).....No limit

Child exchange and visiting

centers fund (082-00-2579-2250).....No limit

Roofing contractor

registration fund (082-00-2774-2774).....No limit

State medicaid fraud control unit –

federal fund (082-00-3060-3060).....No limit

Com def sol – violence against women

federal fund (082-00-3082-3082).....No limit

Crime victims compensation

federal fund (082-00-3133-3020).....No limit

Ed Byrne state/local law enforcement

federal fund (082-00-3213-3213).....No limit

Violence against women – ARRA	
federal fund (082-00-3214-3212).....	No limit
Comm prsct/project safe neighborhood	
federal fund (082-00-3217-3217).....	No limit
Public safety prntn/comm	
pol fund (082-00-3218-3218).....	No limit
Anti-gang initiative	
federal fund (082-00-3229-3229).....	No limit
Alcohol impaired driving cntrmsr	
federal fund (082-00-3247-3247).....	No limit
Children's justice grant	
federal fund (082-00-3381-3381).....	No limit
Sexual assault kit initiative	
federal fund (082-00-3416-3416).....	No limit
Ed Byrne memorial JAG – ARRA	
federal fund (082-00-3455-3455).....	No limit
Medicaid indirect cost	
federal fund (082-00-3919-3919).....	No limit
Federal forfeiture fund (082-00-3940-3940).....	No limit
SSA fraud prevention	
federal fund (082-00-2174-2175).....	No limit
False claims litigation	
revolving fund (082-00-2650-2600).....	No limit
<i>Provided</i> , That expenditures may be made from the false claims litigation revolving	
fund for costs associated with litigation under the Kansas false claims act, K.S.A. 2018	
Supp. 75-7501 et seq., and amendments thereto.	
GTEAP federal fund (252-00-3050-3065).....	No limit
Ed Byrne memorial justice assistance grant	
federal fund (352-00-3057-3057).....	No limit
911 state maintenance fund (082-00-2747-2447).....	No limit
DOT prohibit	
racial profiling (082-00-3566-3566).....	No limit
Human trafficking victim	
assistance fund (082-00-2775-2775).....	No limit
Criminal appeals cost fund (082-00-2779-2779).....	No limit
Attorney general's open	
government fund (082-00-2497-2497).....	No limit
Scrap metal theft reduction	
fee fund (082-00-2085-2100).....	No limit
Bail enforcement agents	
fee fund (082-00-2259-2259).....	No limit
Fraud and abuse criminal	
prosecution fund (082-00-2262-2262).....	No limit
Attorney general's state agency	
representation fund (082-00-2261-2261).....	No limit
State medicaid fraud forfeiture fund.....	No limit
(c) During the fiscal year ending June 30, 2020, grants made pursuant to K.S.A. 74-	

7325, and amendments thereto, from the protection from abuse fund (082-00-2239-2030) and grants made pursuant to K.S.A. 74-7334, and amendments thereto, from the crime victims assistance fund (082-00-2598-2070) shall be made after consideration of the recommendation of an entity that has been designated by the United States department of health and human services and by the centers for disease control as the official domestic violence or sexual assault coalition.

(d) During the fiscal year ending June 30, 2020, the attorney general, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2020 from the state general fund for the attorney general to another item of appropriation for fiscal year 2020 from the state general fund for the attorney general. The attorney general shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(e) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$460,593 from the Kansas endowment for youth fund to the tobacco master settlement agreement compliance fund (082-00-2383-2320) of the attorney general.

(f) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$50,000 from the state general fund to the sexually violent predator expense fund (082-00-2379-2310) of the attorney general.

(g) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$600,000 from the state general fund to the medicaid fraud prosecution revolving fund (082-00-2641-2280).

Sec. 42.

SECRETARY OF STATE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Help America vote act matching funds.....\$109,590

Sec. 43.

SECRETARY OF STATE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Help America vote act matching funds.....\$109,590

Provided, That any unencumbered balance in the help America vote act matching funds account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Cemetery and funeral audit
fee fund (622-00-2225-2100).....No limit

HAVA ELVIS fund (622-00-2353-2150).....No limit

Conversion of materials and
equipment fund (622-00-2418-2200).....No limit

Information and services
fee fund (622-00-2430-2300).....No limit

Provided, That expenditures from the information and services fee fund for official hospitality shall not exceed \$2,533.

- State register fee fund (622-00-2619-2500).....No limit
- Uniform commercial code fee fund (622-00-2664-2600).....No limit
- State flag and banner fund (622-00-5130-4600).....No limit
- Secretary of state fee refund fund (622-00-9047-9100).....No limit
- Electronic voting machine examination fund (622-00-9101-9200).....No limit
- Credit card clearing fund (622-00-9434-9400).....No limit
- Suspense fund (622-00-9046-9000).....No limit
- Prepaid services fund (622-00-9114-9300).....No limit
- Athlete agent registration fee fund (622-00-2674-2700).....No limit
- Democracy fund (622-00-2702-2400).....No limit

Provided, That all expenditures from the democracy fund shall be to provide matching funds to implement Title II of the federal help America vote act of 2002, public law 107-252, as prescribed under that act.

- Technology communication fee fund (622-00-2672-2900).....No limit
- Help America Vote Act federal fund (622-00-3091).....No limit
- HAVA Title I federal fund (622-00-3283-3283).....No limit

(c) During the fiscal year ending June 30, 2020, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from any special revenue fund or funds for fiscal year 2020 by the above agency by this or other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such special revenue fund or funds to provide a report to the house appropriations committee and the senate ways and means committee detailing the costs of publication in a newspaper in each county pursuant to K.S.A. 64-103, and amendments thereto, of any constitutional amendment that is introduced by the legislature during the 2020 regular session of the legislature and detailing costs to local units of governments for conducting elections that include proposed constitutional amendments.

Sec. 44.

STATE TREASURER

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the state treasurer operating fund (670-00-2374-2300) of the state treasurer is hereby decreased from \$1,710,088 to \$1,680,886: *Provided*, That, notwithstanding the provisions of the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, or any other statute, of all the moneys received under the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, during fiscal year 2019, the state treasurer is hereby authorized and directed to credit the first \$1,680,886 received and deposited in the state treasury to the state treasurer operating fund: *Provided further*; That, after such

aggregate amount has been credited to the state treasurer operating fund, then all of the moneys received under the uniform unclaimed property act during fiscal year 2019 shall be credited as prescribed under the unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto: *And provided further*, That all moneys credited to the state treasurer operating fund during fiscal year 2019 are to reimburse the state treasurer for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services that are performed to administer the provisions of the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, that are not otherwise reimbursed under any other provision of law.

Sec. 45.

STATE TREASURER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

State treasurer	
operating fund (670-00-2374-2300).....	\$1,683,705
<i>Provided</i> , That, notwithstanding the provisions of the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, or any other statute, of all the moneys received under the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, during fiscal year 2020, the state treasurer is hereby authorized and directed to credit the first \$1,683,705 received and deposited in the state treasury to the state treasurer operating fund: <i>Provided further</i> , That, after such aggregate amount has been credited to the state treasurer operating fund, then all of the moneys received under the uniform unclaimed property act during fiscal year 2020 shall be credited as prescribed under the unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto: <i>And provided further</i> , That all moneys credited to the state treasurer operating fund during fiscal year 2020 are to reimburse the state treasurer for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed to administer the provisions of the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, that are not otherwise reimbursed under any other provision of law.	
Fiscal agency fund (670-00-7754-6400).....	No limit
Bond services fee fund (670-00-2061-2500).....	No limit
City bond finance fund (670-00-7654).....	No limit
Local ad valorem tax	
reduction fund (670-00-7394-4800).....	No limit
County and city revenue	
sharing fund (670-00-7395-4900).....	No limit
Suspense fund (670-00-9054-9000).....	No limit
County and city retailers'	
sales tax fund (670-00-7608-6000).....	No limit
County and city compensating use	
tax fund (670-00-7667-6200).....	No limit
Local alcoholic liquor fund (670-00-7665-6100).....	No limit
Local alcoholic liquor	
equalization fund (670-00-7759-6500).....	No limit

- Unclaimed property
 - claims fund (670-00-7758-7700).....No limit
- Unclaimed property
 - expense fund (670-00-2362-2200).....No limit
- Provided*, That expenditures from the unclaimed property expense fund for official hospitality shall not exceed \$2,000.
- County and city transient
 - guest tax fund (670-00-7602-6600).....No limit
- Racing admissions tax fund (670-00-7670-6300).....No limit
- Rental motor vehicle excise
 - tax fund (670-00-7681-6800).....No limit
- Transportation development district
 - sales tax fund (670-00-7601-7000).....No limit
- Redevelopment bond fund (670-00-7683-6900).....No limit
- Special qualified industrial
 - manufacturer fund (670-00-9525-9525).....No limit

Provided, That, notwithstanding the provisions of K.S.A. 74-50,122, and amendments thereto, or any other statute, the special qualified industrial manufacturer fund shall be maintained in the state treasury and shall be administered by the state treasurer for the purposes of the qualified industrial manufacturer act: *Provided further*; That, on the 15th day of each month that commences during fiscal year 2020, the secretary of commerce and the secretary of revenue shall consult and determine the amount of revenue received by the state from withholding taxes paid by each taxpayer that is a qualified industrial manufacturer during the preceding month and then, jointly, shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of the budget and the director of legislative research: *And provided further*; That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the special qualified industrial manufacturer fund established by this subsection: *And provided further*; That, on or before the 10th day of each month commencing during fiscal year 2020, the director of accounts and reports shall transfer from the state general fund to the special qualified industrial manufacturer fund interest earnings based on: (1) The average daily balance of moneys in the special qualified industrial manufacturer fund established by this subsection for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month: *And provided further*; That the moneys credited to the special qualified industrial manufacturer fund from the withholding taxes paid by a qualified industrial manufacturer shall be paid by the state treasurer to such qualified industrial manufacturer on such dates as are mutually agreed to by the secretary of commerce and the state treasurer, serving as paying agent in accordance with the terms of the agreement entered into pursuant to K.S.A. 74-50,122, and amendments thereto, by the secretary of commerce and such qualified industrial manufacturer: *And provided further*; That not more than \$2,000,000 shall be paid from the special qualified industrial manufacturer fund established by this subsection by the state treasurer to a qualified industrial manufacturer: *And provided further*; That the words and phrases used in these provisos to the appropriation of moneys in the special qualified industrial

manufacturer fund shall have the meanings respectively ascribed thereto by K.S.A. 74-50,121, and amendments thereto, unless the context requires otherwise.

Kansas postsecondary education savings program trust fund (670-00-7241-7100).....No limit

Kansas postsecondary education savings expense fund (670-00-2096-2000).....No limit

Conversion of materials and equipment fund (670-00-2461-2700).....No limit

Tax increment financing revenue replacement fund (670-00-7391-4700).....No limit

Spirit bonds fund (670-00-9515-9515).....No limit

Provided, That, on the 15th day of each month that commences during fiscal year 2020, the secretary of revenue shall determine the amount of revenue received by the state during the preceding month from withholding taxes paid with respect to an eligible project by each taxpayer that is an eligible business for which bonds have been issued under K.S.A. 74-50,136, and amendments thereto, and for which the Spirit bonds fund was created, and shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of the budget and the director of legislative research: *Provided further*, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the Spirit bonds fund: *And provided further*, That, on or before the 10th day of each month commencing during fiscal year 2020, the director of accounts and reports shall transfer from the state general fund to the Spirit bonds fund interest earnings based on: (1) The average daily balance of moneys in the Spirit bonds fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month: *And provided further*, That the moneys credited to the Spirit bonds fund from the withholding taxes paid by an eligible business and the interest earnings thereon shall be transferred by the state treasurer from the Spirit bonds fund to the special economic revitalization fund administered by the state treasurer in accordance with K.S.A. 74-50,136, and amendments thereto.

Learjet bond fund (670-00-9545-9545).....No limit

Provided, That, on the 15th day of each month that commences during fiscal year 2020, the secretary of revenue shall determine the amount of revenue received by the state during the preceding month from withholding taxes paid with respect to an eligible project by each taxpayer that is an eligible business for which bonds have been issued under K.S.A. 74-50,136, and amendments thereto, and for which the Learjet bond fund was created, and shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of the budget and the director of legislative research: *Provided further*, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the Learjet bond fund: *And provided further*, That, on or before the 10th day of each month commencing during fiscal year 2020, the director of accounts and reports shall transfer from the state general fund to the Learjet bond fund interest earnings based on: (1) The average daily balance of moneys in the Learjet bond fund for the preceding month; and (2) the net earnings rate of the pooled

money investment portfolio for the preceding month: *And provided further*, That the moneys credited to the Learjet bond fund from the withholding taxes paid by an eligible business and the interest earnings thereon shall be transferred by the state treasurer from the Learjet bond fund to the appropriate account of the special economic revitalization fund administered by the state treasurer in accordance with K.S.A. 74-50,136, and amendments thereto.

Siemens bond fund (670-00-9540-9540).....No limit

Provided, That, on the 15th day of each month that commences during fiscal year 2020, the secretary of revenue shall determine the amount of revenue received by the state during the preceding month from withholding taxes paid with respect to an eligible project by each taxpayer that is an eligible business for which bonds have been issued under K.S.A. 74-50,136, and amendments thereto, and for which the Siemens bond fund was created, and shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of the budget and the director of legislative research: *Provided further*, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the Siemens bond fund: *And provided further*, That, on or before the 10th day of each month commencing during fiscal year 2020, the director of accounts and reports shall transfer from the state general fund to the Siemens bond fund interest earnings based on: (1) The average daily balance of moneys in the Siemens bond fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month: *And provided further*, That the moneys credited to the Siemens bond fund from the withholding taxes paid by an eligible business and the interest earnings thereon shall be transferred by the state treasurer from the Siemens bond fund to the appropriate account of the special economic revitalization fund administered by the state treasurer in accordance with K.S.A. 74-50,136, and amendments thereto.

Business machinery and equipment tax reduction

assistance fund (670-00-7684-7680).....\$0

Telecommunications and railroad

machinery and equipment tax reduction

assistance fund (670-00-7685-7690).....\$0

Community improvement district sales

tax fund (670-00-7610-7650).....No limit

Special economic

revitalization fund (670-00-9520-9520).....No limit

Bioscience development and

investment fund (670-00-9510-9510).....No limit

KS ABLE savings

expense fund (670-00-2177-2177).....No limit

(b) During the fiscal year ending June 30, 2020, notwithstanding the provisions of K.S.A. 75-1514, and amendments thereto, or any other statute, the commissioner of insurance shall remit all moneys received by the commissioner under K.S.A. 75-1508, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto: *Provided*, That, upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury:

Provided, however, That, for each such remittance deposited in the state treasury during fiscal year 2020, the state treasurer shall not credit such deposit pursuant to K.S.A. 75-1514, and amendments thereto, but shall credit such deposit in accordance with the provisions of this subsection: *Provided further,* That the state treasurer shall credit 10% of each such deposit to the state general fund and the state treasurer shall credit the remainder of each such deposit as follows: (1) The amount equal to 64% of the remainder of such deposit shall be credited to the fire marshal fee fund (234-00-2330-2000) of the state fire marshal; (2) the amount equal to 20% of the remainder of such deposit shall be credited to the emergency medical services board operating fund (206-00-2326-4000) of the emergency medical services board; and (3) the amount equal to 16% of the remainder of such deposit shall be credited to the fire service training program fund (682-00-2123-2170) of the university of Kansas: *And provided further,* That the amount of each such deposit that is credited to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state fire marshal, the emergency medical services board, and the fire service training program of the university of Kansas by other state agencies which receive appropriations from the state general fund to provide such services: *And provided further,* That, whenever in fiscal year 2020 the aggregate amount that the 10% credit to the state general fund prescribed by this subsection is equal to \$100,000, then: (1) The provisions of this subsection prescribing the 10% credit to the state general fund no longer shall apply to moneys received pursuant to K.S.A. 75-1508, and amendments thereto; and (2) for the remainder of fiscal year 2020, the state treasurer shall credit the full 100% so received of each such deposit as follows: (A) The amount equal to 64% of such deposit shall be credited to the fire marshal fee fund of the state fire marshal; (B) the amount equal to 20% of such deposit shall be credited to the emergency medical services board operating fund of the emergency medical services board; and (C) the amount equal to 16% of such deposit shall be credited to the fire service training program fund of the university of Kansas.

(c) Notwithstanding the provisions of K.S.A. 2018 Supp. 75-648, and amendments thereto, or any other statute, on July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$50,000 from the Kansas postsecondary education savings expense fund (670-00-2096-2000) of the state treasurer to the KS ABLE savings expense fund (670-00-2177-2177) of the state treasurer.

Sec. 46.

INSURANCE DEPARTMENT

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the securities act fee fund (331-00-2162-0100) of the insurance department is hereby decreased from \$2,969,162 to \$2,839,224.

(b) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$5,375,000 from the state general fund to the insurance department service regulation fund (331-00-2270-2400) of the insurance department for repayment of previous transfers to the state general fund in

prior fiscal years.

Sec. 47.

INSURANCE DEPARTMENT

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Insurance department service
 - regulation fund (331-00-2270-2400).....No limit
 - Provided*, That expenditures from the insurance department service regulation fund for official hospitality shall not exceed \$2,500: *Provided further*, That transfers may be made from this fund to the insurance department rehabilitation and repair fund of the insurance department.
- Insurance company
 - examination fund (331-00-2055-2000).....No limit
 - Provided*, That transfers may be made from the insurance company examination fund to the insurance department rehabilitation and repair fund of the insurance department.
- Insurance company annual statement
 - examination fund (331-00-2056-2100).....No limit
- Insurance company examiner
 - training fund (331-00-2057-2200).....No limit
 - Workers compensation fund (331-00-7354-7000).....No limit
 - Provided*, That expenditures from the workers compensation fund for attorney fees and other costs and benefit payments may be made regardless of when services were rendered or when the initial award of benefits was made.
- State firefighters relief fund (331-00-7652-7130).....No limit
- Provided*, That, notwithstanding the provisions of K.S.A. 40-1706, and amendments thereto, or any other statute, transfers may be made from the state firefighters relief fund to the insurance department rehabilitation and repair fund of the insurance department.
- Insurance company tax and fee
 - refund fund (331-00-9017-9100).....No limit
- Group-funded workers' compensation pools
 - fee fund (331-00-7374-7120).....No limit
 - Provided*, That transfers may be made from the group-funded workers' compensation pools fee fund to the insurance department rehabilitation and repair fund of the insurance department.
- Municipal group-funded pools
 - fee fund (331-00-7356-7100).....No limit
 - Provided*, That transfers may be made from the municipal group-funded pools fee fund to the insurance department rehabilitation and repair fund of the insurance department.
- Uninsurable health insurance
 - plan fund (331-00-2328-2500).....No limit
- Private grants and
 - gifts fund (331-00-7301-7301).....No limit
- Insurance education and

training fund (331-00-2367-2600).....No limit
Provided, That expenditures may be made from the insurance education and training fund for training programs and official hospitality: *Provided further*, That the insurance commissioner is hereby authorized to fix, charge and collect fees for such training programs: *And provided further*, That fees for such training programs shall be fixed in order to collect all or part of the operating expenses incurred for such training programs, including official hospitality: *And provided further*, That all fees received for such training programs shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the insurance education and training fund.

Monumental life

settlement fund (331-00-7360-7360).....No limit
Provided, That all expenditures from the monumental life settlement fund shall be made for scholarship purposes: *Provided further*, That the scholarship recipients shall be African-American students who are currently enrolled and are attending an accredited higher education institution in the state of Kansas and who have designated a major in mathematics, computer science or business.

Fines and penalties fund (331-00-2351-2510).....No limit
Provided, That, notwithstanding the provisions of K.S.A. 40-2606, and amendments thereto, or any other statute, all moneys received during fiscal year 2020 for penalties imposed pursuant to K.S.A. 40-2606, and amendments thereto, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the fines and penalties fund.

Settlements fund (331-00-2523-2520).....No limit
Provided, That moneys may be transferred or otherwise credited to the settlements fund as the result of or pursuant to court orders under K.S.A. 40-3644, and amendments thereto, court-ordered settlements, or legislative authority: *Provided further*, That expenditures from the settlements fund shall be made for the purpose of providing consumer education and outreach or for costs that the insurance department may incur in closeout of any troubled insurance company matters.

HHS consumer assistance grant –

federal fund (331-00-3555-3555).....No limit

HHS exchange planning & establishment grant –

federal fund (331-00-3556-3556).....No limit

HHS rate review grant –

federal fund (331-00-3505-3505).....No limit

Professional employer organization

fee fund (331-00-2678-2678).....No limit

Pharmacy benefit manager

registration fund (331-00-2665-2665).....No limit

Securities act fee fund (331-00-2162-0100).....\$3,065,869

Provided, That expenditures from the securities act fee fund for the fiscal year ending June 30, 2020, for official hospitality shall not exceed \$2,000.

Investor education and

protection fund (331-00-2242-2240).....No limit

Provided, That expenditures from the investor education and protection fund for the fiscal year ending June 30, 2020, for official hospitality shall not exceed \$5,000.

Captive insurance regulatory and supervision fund.....No limit

(b) In addition to the other purposes for which expenditures may be made by the insurance department from the insurance company examination fund (331-00-2055-2000) for fiscal year 2020 as authorized by K.S.A. 40-223, and amendments thereto, notwithstanding the provisions of K.S.A. 40-223, and amendments thereto, or any other statute, expenditures may be made by the insurance department from the insurance company examination fund for fiscal year 2020 for the examination of annual statements filed with the commissioner of insurance, regardless of when the services were rendered, when the expenses were incurred or when any claim was submitted or processed for payment and regardless of whether or not the services were rendered or the expenses were incurred prior to the effective date of this act.

(c) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$5,375,000 from the state general fund to the insurance department service regulation fund (331-00-2270-2400) of the insurance department for repayment of previous transfers to the state general fund in prior fiscal years.

Sec. 48.

INSURANCE DEPARTMENT

(a) On July 1, 2020, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$5,375,000 from the state general fund to the insurance department service regulation fund (331-00-2270-2400) of the insurance department for repayment of previous transfers to the state general fund in prior fiscal years.

Sec. 49.

HEALTH CARE STABILIZATION FUND BOARD OF GOVERNORS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Health care stabilization fund (270-00-7404-2000).....No limit
Conference fee fund (270-00-2453-2453).....No limit

(b) Expenditures from the health care stabilization fund for the fiscal year ending June 30, 2020, other than refunds authorized by law for the following specified purposes shall not exceed the limitations prescribed therefor as follows:

Operating expenditures (270-00-7404-2100).....No limit

Provided, That expenditures may be made from the operating expenditures account for official hospitality.

Legal services and other claims expenses (270-00-7404-2300).....No limit
Claims and benefits (270-00-7404-2400).....No limit

Sec. 50.

POOLED MONEY INVESTMENT BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall

not exceed the following:

Municipal investment

pool fund (671-00-7537-7000).....No limit

Pooled money investment portfolio

fee fund (671-00-2319-2000).....No limit

Provided, That, on or before the fifth day of each month of the fiscal year ending June 30, 2020, the state treasurer shall certify to the pooled money investment board an accounting of the banking fees incurred by the state treasurer during the second preceding month that are attributable to the investment of the pooled money investment portfolio during such month: *Provided further*, That, prior to the 10th day of each month during the fiscal year ending June 30, 2020, the pooled money investment board shall review the certification from the state treasurer and shall make expenditures from the pooled money investment portfolio fee fund (671-00-2319-2000) to pay the amount of banking fees incurred by the state treasurer during the second preceding month that are attributable to the investment of the pooled money investment portfolio during the second preceding month, as determined by the pooled money investment board: *And provided further*, That expenditures from the pooled money investment portfolio fee fund for official hospitality shall not exceed \$800.

Sec. 51.

JUDICIAL COUNCIL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Judicial council fund (349-00-2127-2100).....No limit

Grants and gifts fund (349-00-7326-7000).....No limit

Provided, That all private grants and gifts received by the judicial council, other than moneys received as grants, gifts or donations for the preparation, publication or distribution of legal publications, shall be deposited to the credit of the grants and gifts fund.

Publications fee fund (349-00-2297-2000).....No limit

Sec. 52.

STATE BOARD OF INDIGENTS'

DEFENSE SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Assigned counsel expenditures (328-00-1000-0700).....\$800,000

Sec. 53.

STATE BOARD OF INDIGENTS'

DEFENSE SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Operating expenditures (328-00-1000-0603).....\$13,646,479

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*, That expenditures for indigents' defense services are authorized to be made from the operating expenditures account regardless of when services were

rendered: *Provided further*, That expenditures may be made from the operating expenditures account for negotiated contracts for malpractice insurance for public defenders and deputy or assistant public defenders: *And provided further*, That all contracts for malpractice insurance for public defenders and deputy or assistant public defenders shall be negotiated and purchased by the state board of indigents' defense services, shall not be subject to approval or purchase by the committee on surety bonds and insurance under K.S.A. 75-4114 and 75-6111, and amendments thereto, and shall not be subject to the provisions of K.S.A. 75-3739, and amendments thereto.

Assigned counsel

expenditures (328-00-1000-0700).....\$13,139,335

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2019, in the assigned counsel expenditures account is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures for indigents' defense services are authorized to be made from the assigned counsel expenditures account regardless of when services were rendered.

Capital defense operations (328-00-1000-0800).....\$3,167,081

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2019, in the capital defense operations account is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures for indigents' defense services are authorized to be made from the capital defense operations account regardless of when services were rendered.

Legal services for prisoners (328-00-1000-0500).....\$289,592

Indigents' defense

services operations (328-00-1000-0610).....\$156,847

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2019, in the indigents' defense services operations account is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures may be made from the indigents' defense services operations account for the purpose of assigned counsel and other professional services related to contract cases.

Litigation support (328-00-1000-0510).....\$2,760,665

Provided, That any unencumbered balance in the litigation support account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Capital litigation training

grant fund (328-00-3211-3211).....No limit

Indigents' defense

services fund (328-00-2119-2000).....No limit

Provided, That expenditures may be made from the indigents' defense services fund for the purpose of assigned counsel and other professional services related to contract cases.

Inservice education workshop

fee fund (328-00-2186-2100).....No limit

Provided, That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice

workshops and conferences: *Provided further*, That the state board of indigents' defense services is hereby authorized to fix, charge and collect fees for inservice workshops and conferences: *And provided further*, That such fees shall be fixed in order to recover all or part of such operating expenditures incurred for inservice workshops and conferences: *And provided further*, That all fees received for inservice workshops and conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the inservice education workshop fee fund.

(c) During the fiscal year ending June 30, 2020, the executive director of the state board of indigents' defense services, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2020, from the state general fund for the state board of indigents' defense services to any other item of appropriation for fiscal year 2020 from the state general fund for the state board of indigents' defense services. The executive director shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(d) In addition to the other purposes for which expenditures may be made by the state board of indigents' defense services from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 as authorized by this act or other appropriation act of the 2019 regular session of the legislature, expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 to classify public defenders based on the level of cases such public defenders are assigned.

Sec. 54.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Judiciary operations (677-00-1000).....\$109,052,817

Provided, That any unencumbered balance in the judiciary operations account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That contracts for computer input of judicial opinions and all purchases thereunder shall not be subject to the provisions of K.S.A. 75-3739, and amendments thereto: *And provided further*, That expenditures may be made from the judiciary operations account for contingencies without limitation at the discretion of the chief justice: *And provided further*, That expenditures from the judiciary operations account for such contingencies shall not exceed \$25,000: *And provided further*, That expenditures from the judiciary operations account for official hospitality shall not exceed \$4,000: *And provided further*, That expenditures shall be made from the judiciary operations account for the travel expenses of panels of the court of appeals for travel to cities across the state to hear appealed cases.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Library report fee fund (677-00-2106-2000).....No limit
Judiciary technology fund (677-00-2272-1800).....No limit

Dispute resolution fund (677-00-2126-3500).....No limit
 Judicial branch
 education fund (677-00-2324-1900).....No limit
 Provided, That expenditures may be made from the judicial branch education fund to provide services and programs for the purpose of educating and training judicial branch officers and employees, administering the training, testing and education of municipal judges as provided in K.S.A. 12-4114, and amendments thereto, educating and training municipal judges and municipal court support staff, and for the planning and implementation of a family court system, as provided by law, including official hospitality: *Provided further*, That the judicial administrator is hereby authorized to fix, charge and collect fees for such services and programs: *And provided further*, That such fees may be fixed to cover all or part of the operating expenditures incurred in providing such services and programs, including official hospitality: *And provided further*, That all fees received for such services and programs, including official hospitality, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the judicial branch education fund.
 Child welfare federal
 grant fund (677-00-3942-3300).....No limit
 Child support enforcement contractual
 agreement fund (677-00-2681-2400).....No limit
 SJI grant fund (677-00-2714-2714).....No limit
 Bar admission fee fund (677-00-2724-2500).....No limit
 Permanent families account – family and children
 investment fund (677-00-7317-7000).....No limit
 Duplicate law book fund (677-00-2543-2300).....No limit
 Court reporter fund (677-00-2725-2600).....No limit
 Access to justice fund (677-00-2169-2100).....No limit
 Judicial branch nonjudicial salary
 initiative fund (677-00-2229-2800).....No limit
 Judicial branch nonjudicial salary
 adjustment fund (677-00-2389-3200).....No limit
 Federal grants fund (677-00-3082-3100).....No limit
 District magistrate judge supplemental
 compensation fund (677-00-2398-2390).....No limit
 Correctional supervision
 fund (677-00-2465-2465).....No limit
 Violence against women grant fund –
 ARRA (677-00-3214-3214)..... No limit
 Judicial branch docket
 fee fund (677-00-2158-2158).....No limit
 Electronic filing and
 management fund (677-00-2791-2791).....No limit
 (c) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$200,000 from the Kansas endowment for youth fund to the permanent families account – family and children investment fund (677-00-7317-7000) of the judicial branch.

Sec. 55.

KANSAS PUBLIC EMPLOYEES
RETIREMENT SYSTEM

(a) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$280,680 from the MSA compliance fund (565-00-2274-2274) of the department of revenue to the Kansas endowment for youth fund (365-00-7000-2000) of the Kansas public employees retirement system.

(b) On the effective date of this act, the provisions of section 47(d) of chapter 109 of the 2018 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

Sec. 56.

KANSAS PUBLIC EMPLOYEES
RETIREMENT SYSTEM

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas public employees

retirement fund (365-00-7002-7000).....No limit

Provided, That no expenditures may be made from the Kansas public employees retirement fund other than for benefits, investments, refunds authorized by law, and other purposes specifically authorized by this or other appropriation act.

Kansas public employees deferred compensation

fees fund (365-00-2376).....No limit

Group insurance reserve fund (365-00-7358-9200).....No limit

Optional death benefit plan

reserve fund (365-00-7357-9100).....No limit

Kansas endowment for

youth fund (365-00-7000-2000).....No limit

Senior services trust fund (365-00-7550-7600).....No limit

Family and children endowment

account – family and children

investment fund (365-00-7010-4000).....No limit

Non-retirement administration fund (365-00-2277).....No limit

Provided, That the executive officer of the Kansas public employees retirement system shall certify to the director of accounts and reports the amount of moneys to transfer from the Kansas endowment for youth fund (365-00-7000-2000), the senior services trust fund (365-00-7550-7600), the family and children endowment account – family and children investment fund (365-00-7010-4000) and the unclaimed property account (670-00-7758-7700) of the state general fund for the purpose of reimbursing the costs of non-retirement-related administrative activities and investment-related expenses for managing such funds in accordance with K.S.A. 74-4909b, and amendments thereto.

KDFA series 2003H bond debt

service fund (365-00-7001-2100).....No limit

Provided, That, notwithstanding the provisions of K.S.A. 74-4921 et seq., and amendments thereto, any employer contributions remitted in accordance with the

provisions of K.S.A. 20-2605, and amendments thereto, K.S.A. 74-4920, and amendments thereto, K.S.A. 74-4939, and amendments thereto, and K.S.A. 74-4967, and amendments thereto, for the purpose of paying the actuarial cost of the provisions of K.S.A. 74-49,109 et seq., and amendments thereto, shall be credited in the K DFA series 2003H bond debt service fund: *Provided further*, That the executive director of the Kansas public employees retirement system shall certify to the director of accounts and reports an amount to reimburse the state general fund for bond debt service payments authorized in fiscal year 2020: *And provided further*, That the director of accounts and reports shall transfer to the state general fund such amount certified as provided by the executive director no later than June 30, 2020.

(b) Expenditures may be made from the expense reserve of the Kansas public employees retirement fund (365-00-7002-7000) for the fiscal year ending June 30, 2020, for the following specified purposes:

Agency operations (365-00-7002-7400).....\$12,649,411

Provided, That expenditures from the agency operations account may be made for official hospitality.

Investment-related expenses (365-00-7002-8000).....No limit

KPERS technology project (365-00-7002-7800).....No limit

(c) Expenditures may be made from the non-retirement administration fund (365-00-2277) for the fiscal year ending June 30, 2020, for the following specified purposes:

Agency operations (365-00-2277-2210).....\$100,000

Investment-related expenses (365-00-2277-2220).....No limit

(d) On July 1, 2019, notwithstanding the provisions of K.S.A. 38-2102, and amendments thereto, the amount prescribed by K.S.A. 38-2102(d)(4), and amendments thereto, to be transferred on July 1, 2019, by the director of accounts and reports from the Kansas endowment for youth fund to the children's initiatives fund is hereby increased to \$43,267,487.

(e) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$51,000,000 from the state general fund to the Kansas public employees retirement fund (365-00-7002-7000) of the Kansas public employees retirement system.

Sec. 57.

KANSAS HUMAN RIGHTS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Operating expenditures (058-00-1000-0103).....\$1,115,298

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$200: *Provided further*, That expenditures for mediation services contracted with Kansas legal services shall be made only upon certification by the executive director of the human rights commission to the director of accounts and reports that private moneys are available to match the expenditure of state moneys on a \$1 of private moneys to \$3 of state moneys basis.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other

than refunds authorized by law shall not exceed the following:

- State and local fair employment practices –
 - federal fund (058-00-3016-3000).....No limit
 - Conversion of materials and
 - equipment fund (058-00-2404-1300).....No limit
 - Education and training fund (058-00-2282-2000).....No limit
- Provided*, That expenditures may be made from the education and training fund for operating expenditures for the commission's education and training programs for the general public, including official hospitality: *Provided further*; That the executive director is hereby authorized to fix, charge and collect fees for such programs: *And provided further*; That such fees shall be fixed in order to recover all or part of the operating expenses incurred for such training programs, including official hospitality: *And provided further*; That all fees received for such programs shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the education and training fund.
- Database conversion fund.....No limit
- Sec. 58.

STATE CORPORATION COMMISSION

(a) On the effective date of this act, the expenditure limitation for official hospitality established for the fiscal year ending June 30, 2019, by section 61(e) of chapter 104 of the 2017 Session Laws of Kansas on the public service regulation fund (143-00-2019-0100), the motor carrier license fees fund (143-00-2812-5500) and the conservation fee fund (143-00-2130-2000) of the state corporation commission is hereby increased, in the aggregate, from \$2,000 to \$2,500.

Sec. 59.

STATE CORPORATION COMMISSION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Public service
 - regulation fund (143-00-2019-0100).....No limit
- Motor carrier license
 - fees fund (143-00-2812-5500).....No limit
 - Conservation fee fund (143-00-2130-2000).....No limit

Provided, That any expenditure made from the conservation fee fund for plugging abandoned wells, cleanup of pollution from oil and gas activities and testing of wells shall be in addition to any expenditure limitation imposed on this fund: *Provided further*; That expenditures may be made from this fund for debt collection and set-off administration: *And provided further*; That a percentage of the fees collected, not to exceed 27%, shall be transferred from the conservation fee fund to the accounting services recovery fund (173-00-6105-4010) of the department of administration for services rendered in collection efforts: *And provided further*; That all expenditures made from the conservation fee fund for debt collection and set-off administration shall be in addition to any expenditure limitation imposed on this fund: *And provided further*; That the state corporation commission shall include as part of the fiscal year 2020 budget estimates for the state corporation commission submitted pursuant to K.S.A. 75-3717,

and amendments thereto, a three-year projection of receipts to and expenditures from the conservation fee fund for fiscal years 2020, 2021 and 2022.

Natural gas underground storage	
fee fund (143-00-2181-2120).....	No limit
Gas pipeline inspection	
fee fund (143-00-2023-1100).....	No limit
Special one-call –	
federal fund (143-00-3477-3477).....	No limit
Compressed air energy storage	
fee fund (143-00-2454-2410).....	No limit
Abandoned oil and gas	
well fund (143-00-2143-2100).....	No limit
Facility conservation improvement	
program fund (143-00-2432-2400).....	No limit
Gas pipeline safety program –	
federal fund (143-00-3632-3000).....	No limit
Carbon dioxide injection well and underground	
storage fund (143-00-2358-2500).....	No limit
Energy conservation plan –	
federal fund (143-00-3682-3500).....	No limit
Energy efficiency revolving loan program –	
ARRA federal fund (143-00-3161-3160).....	No limit

Provided, That expenditures may be made from the energy efficiency revolving loan program – ARRA federal fund for the energy efficiency revolving loan program pursuant to vouchers approved by the chairperson of the state corporation commission or by a person or persons designated by the chairperson: *Provided further*, That the state corporation commission is hereby authorized to establish the energy efficiency revolving loan program for the purpose of making loans for energy conservation and other energy-related activities: *And provided further*, That loans under such program shall be made at an interest rate established by the state corporation commission: *And provided further*, That the state corporation commission is hereby authorized to enter into contracts with other state agencies and with persons as may be necessary to administer the energy efficiency revolving loan program: *And provided further*, That any person who agrees to receive money from the energy efficiency revolving loan program – ARRA federal fund shall enter into an agreement requiring such person to submit a written report to the state corporation commission detailing and accounting for all expenditures and receipts related to the use of the moneys received from the energy efficiency revolving loan program – ARRA federal fund: *And provided further*, That moneys repaid to the energy efficiency revolving loan program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the energy efficiency revolving loan program – ARRA federal fund: *And provided further*, That, on or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the energy efficiency revolving loan program – ARRA federal fund interest earnings based on: (1) The average daily balance of repaid moneys in the energy efficiency revolving loan program – ARRA federal fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

Vehicle information systems network –
 federal fund (143-00-3244-3244).....No limit
 Underground injection control class II –
 federal fund (143-00-3768-3700).....No limit
 One call – federal fund (143-00-3633-3120).....No limit
 Inservice education workshop
 fee fund (143-00-2316-2300).....No limit

Provided, That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences conducted by the state corporation commission for staff and members of the state corporation commission: *Provided further*, That the state corporation commission is hereby authorized to fix, charge and collect fees for such inservice workshops and conferences: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenditures incurred for conducting such inservice workshops and conferences: *And provided further*, That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the inservice education workshop fee fund.

Unified carrier registration
 clearing fund (143-00-9062-9100).....No limit
 Credit card clearing fund (143-00-9401-9400).....No limit
 Suspense fund (143-00-9007-9000).....No limit
 Well plugging
 assurance fund (143-00-2180-2110).....No limit
 Energy grants
 management fund (143-00-2667-4000).....No limit
 Energy efficiency program – federal fund.....No limit

(b) Expenditures for the fiscal year ending June 30, 2020, by the state corporation commission from the conservation fee fund (143-00-2130-2000) or the abandoned oil and gas well fund (143-00-2143-2100) may be made for the service of independent on-site supervision of well plugging contracts: *Provided*, That all such expenditures from the conservation fee fund or the abandoned oil and gas well fund for the purpose of plugging of abandoned oil and gas wells during fiscal year 2020 shall be subject to the competitive bidding requirements of K.S.A. 75-3739, and amendments thereto, and shall not be exempt from such competitive bidding requirements on the basis of the estimated amount of such purchases.

(c) During the fiscal year ending June 30, 2020, the chairperson of the state corporation commission, with the approval of the director of the budget, may transfer additional moneys from the conservation fee fund (143-00-2130-2000) of the state corporation commission that are in excess of \$800,000 as prescribed by K.S.A. 55-193, and amendments thereto, to the abandoned oil and gas well plugging fund (143-00-2143-2100) of the state corporation commission: *Provided*, That the chairperson of the state corporation commission shall certify each such transfer of additional moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(d) During the fiscal year ending June 30, 2020, notwithstanding the provisions of any other statute, the chairperson of the state corporation commission, with the approval

of the director of the budget, may transfer funds from any special revenue fund or funds of the state corporation commission to any other special revenue fund or funds of the state corporation commission. The chairperson of the state corporation commission shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(e) Expenditures for the fiscal year ending June 30, 2020, by the state corporation commission from the public service regulation fund (143-00-2019-0100), the motor carrier license fees fund (143-00-2812-5500) and the conservation fee fund (143-00-2130-2000) for official hospitality shall not exceed, in the aggregate, \$2,500.

(f) During the fiscal year ending June 30, 2020, notwithstanding the provisions of K.S.A. 55-164, 66-138 or 66-1,142b, and amendments thereto, or any other statute, all moneys received from civil fines and penalties charged and collected by the state corporation commission under K.S.A. 55-164, 66-138 or 66-1,142b, and amendments thereto, in the conservation fee fund (143-00-2130-2000), the public service regulation fund (143-00-2019-0100) and the motor carrier license fees fund (143-00-2812-5500) shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and deposited in the state treasury and credited to the state general fund.

(g) On July 1, 2019, notwithstanding the provisions of K.S.A. 55-166, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$500,000 from the well plugging assurance fund (143-00-2180-2110) of the state corporation commission to the abandoned oil and gas well fund (143-00-2143-2100) of the state corporation commission.

(h) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$100,000 from the public service regulation fund (143-00-2019-0100) of the state corporation commission to the state general fund.

(i) During the fiscal year ending June 30, 2020, the chairperson of the state corporation commission, with the approval of the director of the budget, may transfer moneys from the energy efficiency revolving loan program – ARRA federal fund (143-00-3161-3160) to the energy efficiency program – federal fund of the state corporation commission: *Provided*, That the chairperson of the state corporation commission shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research: *Provided further*, That the state corporation commission is hereby authorized to establish the energy efficiency program for the purpose of energy conservation and other energy-related activities: *And provided further*, That the state corporation commission is hereby authorized to enter into contracts with other state agencies and with persons as may be necessary to administer the energy efficiency program: *And provided further*, That any person who agrees to receive money from the energy efficiency program – federal fund shall enter into an agreement requiring such person to submit a written report to the state corporation commission detailing and accounting for all expenditures and receipts related to the use of the moneys received from the energy efficiency program – federal fund: *And provided further*, That, on or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the energy efficiency program – federal fund interest earnings based on: (1) The average daily balance of moneys in the energy efficiency program – federal fund for the preceding month; and (2) the net earnings rate for the

pooled money investment portfolio for the preceding month.

Sec. 60.

CITIZENS' UTILITY RATEPAYER BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Utility regulatory fee fund (122-00-2030-2000).....\$999,785

(b) During the fiscal year ending June 30, 2020, in addition to other purposes for which expenditures may be made by the citizens' utility ratepayer board from the utility regulatory fee fund (122-00-2030-2000) for fiscal year 2020 for the citizens' utility ratepayer board as authorized by this or other appropriation act of the 2019 regular session of the legislature, notwithstanding the provisions of any other statute to the contrary, if the total expenditures authorized to be expended on contracts for professional services by the citizens' utility ratepayer board by the expenditure limitation prescribed by subsection (a) are not expended or encumbered for fiscal year 2019, then the amount equal to the remaining amount of such expenditure authority for fiscal year 2019 may be expended from the utility regulatory fee fund for fiscal year 2020 pursuant to contracts for professional services and any such expenditure for fiscal year 2020 shall be in addition to any expenditure limitation imposed on the utility regulatory fee fund for fiscal year 2020.

(c) On and after the effective date of this act, during the fiscal year ending June 30, 2020, no expenditures shall be made by the above agency from the utility regulatory fee fund (122-00-2030-2000) for the review or other oversight of proposed administrative rules and regulations or any other duties pursuant to executive order no. 11-02.

Sec. 61.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Debt setoff settlement..... \$9,291,945

(b) On the effective date of this act, of the \$250,000 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 66(k) of chapter 104 of the 2017 Session Laws of Kansas from the state institutions building fund in the SIBF – state building insurance account (173-00-8100-8920), the sum of \$56,227 is hereby lapsed.

(c) On the effective date of this act, of the \$270,000 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 66(l) of chapter 104 of the 2017 Session Laws of Kansas from the correctional institutions building fund in the CIBF – state building insurance account (173-00-8600-8930), the sum of \$2,578 is hereby lapsed.

(d) On the effective date of this act, the provisions of section 66(q) of chapter 104 of the 2017 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

Sec. 62.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Operating expenditures (173-00-1000-0200).....\$4,581,294

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$2,000: *Provided further*, That, notwithstanding the provisions of K.S.A. 75-2935, and amendments thereto, or any other statute, in addition to other positions within the department of administration in the unclassified service as prescribed by law, expenditures may be made from the operating expenditures account for three employees in the unclassified service under the Kansas civil service act.

Budget analysis (173-00-1000-0520).....\$1,546,035

Provided, That any unencumbered balance in the budget analysis account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That, notwithstanding the provisions of K.S.A. 75-2935, and amendments thereto, or any other statute, in addition to other positions within the department of administration in the unclassified service as prescribed by law, expenditures may be made from the budget analysis account for eight employees in the unclassified service under the Kansas civil service act: *And provided further*, That expenditures from this account for official hospitality shall not exceed \$1,000.

Long-term care ombudsman (173-00-1000-0580).....\$287,351

Provided, That any unencumbered balance in the long-term care ombudsman account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$1,000.

KPERS bonds debt service (173-00-1000-0440).....\$64,001,866

(b) There is appropriated for the above agency from the expanded lottery act revenues fund for the fiscal year ending June 30, 2020, the following:

KPERS bond debt service (173-00-1700-1704).....\$36,126,992

Public broadcasting digital conversion

debt service (173-00-1700-1703).....\$434,125

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds or indirect cost recoveries authorized by law shall not exceed the following:

Federal cash

management fund (173-00-2001-2200).....No limit

State leave payment

reserve fund (173-00-7730-7350).....No limit

Building and ground fund (173-00-2028-2000).....No limit

General fees fund (173-00-2197-2020).....No limit

Provided, That expenditures may be made from the general fees fund for operating expenditures for the division of personnel services, including human resources programs and official hospitality: *Provided further*, That the director of personnel services is hereby authorized to fix, charge and collect fees: *And provided further*, That fees shall be fixed in order to recover all or part of the operating expenses incurred, including official hospitality: *And provided further*, That all fees received, including fees received under the open records act for providing access to or furnishing copies of

public records, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund.

Human resource information systems cost

recovery fund (173-00-6103-5700).....No limit

Budget fees fund (173-00-2191-2100).....No limit

Provided, That expenditures may be made from the budget fees fund for operating expenditures for the division of the budget, including training programs, special projects and official hospitality: *Provided further*; That the director of the budget is hereby authorized to fix, charge and collect fees for such training programs: *And provided further*; That fees for such training programs and special projects shall be fixed in order to recover all or part of the operating expenses incurred for such training programs and special projects, including official hospitality: *And provided further*; That all fees received for such training programs and special projects and all fees received by the division of the budget under the open records act for providing access to or furnishing copies of public records shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the budget fees fund.

Purchasing fees fund (173-00-2017-2130).....No limit

Provided, That expenditures may be made from the purchasing fees fund for operating expenditures of the division of purchases, including training seminars and official hospitality: *Provided further*; That the director of purchases is hereby authorized to fix, charge and collect fees for operating expenditures incurred to reproduce and disseminate purchasing information, administer vendor applications, administer state contracts and conduct training seminars, including official hospitality: *And provided further*; That such fees shall be fixed in order to recover all or part of such operating expenses: *And provided further*; That all fees received for such operating expenses shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the purchasing fees fund.

Architectural services

fee fund (173-00-2075-2110).....No limit

Provided, That expenditures may be made from the architectural services fee fund for operating expenditures for distribution of architectural information: *Provided further*; That the director of facilities management is hereby authorized to fix, charge and collect fees for reproduction and distribution of architectural information: *And provided further*; That such fees shall be fixed in order to recover all or part of the operating expenses incurred for reproducing and distributing architectural information: *And provided further*; That all fees received for such reproduction and distribution of architectural information shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the architectural services fee fund.

Budget equipment

conversion fund (173-00-2434-2090).....No limit

Conversion of materials and

equipment fund (173-00-2408-2030).....No limit

Architectural services equipment

conversion fund (173-00-2401-2170).....No limit

Property contingency fund (173-00-2640-2060).....No limit

Flood control emergency –

 federal fund (173-00-3024-3020).....No limit

INK special revenue fund (173-00-2764-2702).....No limit

FICA reimbursements medical

 residents fund (173-00-7599-7500).....No limit

State buildings

 operating fund (173-00-6148-4100).....No limit

Provided, That the secretary of administration is hereby authorized to fix, charge and collect a real estate property leasing services fee at a reasonable rate per square foot of space leased by state agencies as approved by the secretary of administration under K.S.A. 75-3765, and amendments thereto, to recover the costs incurred by the department of administration in providing services to state agencies relating to leases of real property: *Provided further*, That each state agency that is party to a lease of real property that is approved by the secretary of administration under K.S.A. 75-3765, and amendments thereto, shall remit to the secretary of administration the real estate property leasing services fee upon receipt of the billing therefor: *And provided further*, That all moneys received for real estate property leasing services fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the state buildings operating fund or the building and ground fund (173-00-2028-2000), as determined and directed by the secretary of administration: *And provided further*, That the net proceeds from the sale of all or any part of the Topeka state hospital property, as defined by K.S.A. 2018 Supp. 75-37,123(a), and amendments thereto, shall be deposited in the state treasury and credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration: *And provided further*, That the secretary of administration is hereby authorized to fix, charge and collect a surcharge against all state agency leased square footage in Shawnee county, including both state-owned and privately owned buildings: *And provided further*, That all moneys received for such surcharge shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration.

Accounting services

 recovery fund (173-00-6105-4010).....No limit

Provided, That expenditures may be made from the accounting services recovery fund for the operating expenditures, including official hospitality, of the department of authorized to fix, charge and collect fees for services or sales provided by the department of administration that are not specifically authorized by any other statute: administration: *Provided further*, That the secretary of administration is hereby *And provided further*, That all fees received for such services or sales shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the accounting services recovery fund.

Architectural services

 recovery fund (173-00-6151-5500).....No limit

Provided, That expenditures may be made from the architectural services recovery fund for operating expenditures for the division of facilities management: *Provided*

further, That the director of facilities management is hereby authorized to fix, charge and collect fees for services provided to other state agencies not directly related to the construction of a capital improvement project: *And provided further*, That all fees received for all such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the architectural services recovery fund.

Motor pool service fund (173-00-6109-4020).....No limit

Intragovernmental printing

service fund (173-00-6165-9800).....No limit

Intragovernmental printing service depreciation

reserve fund (173-00-6167-9810).....No limit

Municipal accounting and training services

recovery fund (173-00-2033-1850).....No limit

Provided, That expenditures may be made from the municipal accounting and training services recovery fund to provide general ledger, payroll reporting, utilities billing, data processing, and accounting services to municipalities and to provide training programs conducted for municipal government personnel, including official hospitality: *Provided further*, That the director of accounts and reports is hereby authorized to fix, charge and collect fees for such services and programs: *And provided further*, That such fees shall be fixed to cover all or part of the operating expenditures incurred in providing such services and programs, including official hospitality: *And provided further*, That all fees received for such services and programs, including official hospitality, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the municipal accounting and training services recovery fund.

Canceled warrants

payment fund (173-00-2645-2070).....No limit

State emergency fund (173-00-2581-2150).....No limit

Bid and contract

deposit fund (173-00-7609-7060).....No limit

Federal withholding tax

clearing fund (173-00-7701-7080).....No limit

Financial management system

development fund (173-00-6135-6130).....No limit

Provided, That the secretary of administration may establish fees and make special assessments in order to finance the costs of developing the financial management system: *Provided further*, That all moneys received for such fees and special assessments shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the financial management system development fund.

State gaming revenues fund (173-00-9011-9100).....No limit

Financial management system development

fund – on budget (173-00-2689-2689).....No limit

Construction defects

recovery fund (173-00-2632-2615).....No limit

Facilities conservation

improvement fund (173-00-8745-4912).....No limit

State revolving fund services fee fund (173-00-2038-2700).....	No limit
Conversion of materials and equipment – recycling program fund (173-00-2435-2031).....	No limit
Curtis office building maintenance reserve fund (173-00-2010-2190).....	No limit
Equipment lease purchase program administration clearing fund (173-00-8701-8000).....	No limit
Suspense fund (173-00-9075-9220).....	No limit
Electronic funds transfer suspense fund (173-00-9175-9490).....	No limit
Surplus property program fund – on budget (173-00-2323-2300).....	No limit
Surplus property program fund – off budget (173-00-6150-6150).....	No limit
Older Americans act title IIIB long-term care ombudsman federal fund (173-00-3287-3287).....	No limit
Older Americans act title VII long-term care ombudsman federal fund (173-00-3358-3140).....	No limit
Long-term care ombudsman gift and grant fund (173-00-7258-7280).....	No limit
Title XIX – long-term care ombudsman medical assistance program federal fund (173-00-3414-3414).....	No limit
Wireless enhanced 911 grant fund (173-00-2577-2570).....	No limit
Bioscience development fund (173-00-2765-2703).....	No limit
Dwight D Eisenhower statue fund.....	No limit
Digital imaging program fund.....	No limit

Provided, That expenditures may be made from the digital imaging program fund for grants to state agencies for digital document imaging projects.

(d) During the fiscal year ending June 30, 2020, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for the above agency for fiscal year 2020 by this or other appropriation act of the 2019 regular session of the legislature, expenditures may be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2020, for the secretary of administration, as part of the system of payroll accounting formulated under K.S.A. 75-5501, and amendments thereto, to establish a payroll deduction plan, for the purpose of allowing insurers, who are authorized to do business in the state of Kansas, to offer to state employees accident, disability, specified disease and hospital indemnity products, which may be purchased by such employees: *Provided, however*, That any such insurer and indemnity product shall be approved by the Kansas state employees health care commission prior to the establishment of such payroll deduction: *Provided*, That upon

notification of an employing agency's receipt of written authorization by any state employee, the director of accounts and reports shall make periodic deductions of amounts as specified in such authorization from the salary or wages of such state employee for the purpose of purchasing such indemnity products: *Provided further*; That, subject to the approval of the secretary of administration, the director of accounts and reports may prescribe procedures, limitations and conditions for making payroll deductions pursuant to this section.

(e) On July 1, 2019, the director of accounts and reports shall transfer \$210,000 from the state highway fund to the state general fund for the purpose of reimbursing the state general fund for the cost of providing purchasing services to the department of transportation.

(f) During the fiscal year ending June 30, 2020, the secretary of administration is hereby authorized to approve refinancing of equipment being financed by state agencies through the department's equipment financing program. Such refinancing project is hereby approved for the purposes of K.S.A. 74-8905(b), and amendments thereto.

(g) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated in any capital improvement account of any special revenue fund or funds or in any capital improvement account of the state general fund for the above agency for fiscal year 2020 by this or other appropriation act of the 2019 regular session of the legislature, expenditures may be made by the above agency from any such capital improvement account of any special revenue fund or funds or any such capital improvement account of the state general fund for fiscal year 2020 for the purpose of making emergency repairs to any facility that is under the charge, care, management or control of the department of administration as provided by law: *Provided*, That the secretary of administration shall make a full report on such repairs and expenditures to the director of the budget and the director of legislative research.

(h) (1) On July 1, 2019, the director of accounts and reports shall record a debit to the state treasurer's receivables for the state economic development initiatives fund and shall record a corresponding credit to the state economic development initiatives fund in an amount certified by the director of the budget that shall be equal to 75% of the amount estimated by the director of the budget to be transferred and credited to the state economic development initiatives fund during the fiscal year ending June 30, 2020, except that such amount shall be proportionally adjusted during fiscal year 2020 with respect to any change in the moneys to be transferred and credited to the state economic development initiatives fund during fiscal year 2020. All moneys transferred and credited to the state economic development initiatives fund during fiscal year 2020 shall reduce the amount debited and credited to the state economic development initiatives fund under this subsection.

(2) On June 30, 2020, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the state economic development initiatives fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the state economic development initiatives fund during fiscal year 2020.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the state economic development initiatives fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and

shall make reductions and adjustments thereto on the books and records kept and maintained for the state economic development initiatives fund by the state treasurer in accordance with the notice thereof.

(i) (1) On July 1, 2019, the director of accounts and reports shall record a debit to the state treasurer's receivables for the correctional institutions building fund and shall record a corresponding credit to the correctional institutions building fund in an amount certified by the director of the budget that shall be equal to 80% of the amount estimated by the director of the budget to be transferred and credited to the correctional institutions building fund during the fiscal year ending June 30, 2020, except that such amount shall be proportionally adjusted during fiscal year 2020 with respect to any change in the moneys to be transferred and credited to the correctional institutions building fund during fiscal year 2020. All moneys transferred and credited to the correctional institutions building fund during fiscal year 2020 shall reduce the amount debited and credited to the correctional institutions building fund under this subsection.

(2) On June 30, 2020, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the correctional institutions building fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the correctional institutions building fund during fiscal year 2020.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the correctional institutions building fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the correctional institutions building fund by the state treasurer in accordance with the notice thereof.

(j) During the fiscal year ending June 30, 2020, the secretary of administration, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2020, from the state general fund for the department of administration to another item of appropriation for fiscal year 2020 from the state general fund for the department of administration. The secretary of administration shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(k) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2020, the following:

SIBF – state
building insurance (173-00-8100-8920).....\$160,000

Provided, That, notwithstanding the provisions of K.S.A. 76-6b05, and amendments thereto, expenditures may be made by the above agency from the SIBF – state building insurance account of the state institutions building fund for state building insurance premiums.

(l) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 2020, the following:

CIBF – state
building insurance (173-00-8600-8930).....\$175,000

Provided, That, notwithstanding the provisions of K.S.A. 76-6b09, and amendments thereto, expenditures may be made by the above agency from the CIBF – state building

insurance account of the correctional institutions building fund for state building insurance premiums.

(m) On July 1, 2019, or as soon thereafter as moneys are available during the fiscal year ending June 30, 2020, the director of accounts and reports shall transfer an amount or amounts from the appropriate federal fund or funds of the Kansas department for aging and disability services to the older Americans act title IIIB long-term care ombudsman federal fund (173-00-3287-3287) of the department of administration: *Provided*, That the aggregate of such amount or amounts transferred during fiscal year 2020 shall be equal to and shall not exceed the older Americans act title VII: ombudsman award and 4.38% of the Kansas older Americans act title III: part B supportive services award.

(n) (1) (A) Prior to August 15, 2019, the state board of regents shall determine and certify to the director of the budget each of the specific amounts from the amounts appropriated from the state general fund or from the moneys appropriated and available in the special revenue funds for each of the regents agencies to be transferred to and debited to the 27th payroll adjustment account of the state general fund by the director of accounts and reports pursuant to this subsection: *Provided*, That the aggregate of all such amounts certified to the director of the budget shall be an amount that is equal to or more than \$1,184,054. The certification by the state board of regents shall specify the amount in each account of the state general fund or in each special revenue fund, or account thereof, that is designated by the state board of regents pursuant to this subsection for each of the regents agencies to be transferred to and debited to the 27th payroll adjustment account in the state general fund by the director of accounts and reports pursuant to this subsection. At the same time as such certification is transmitted to the director of the budget, the state board of regents shall transmit a copy of such certification to the director of legislative research.

(B) The director of the budget shall review each such certification from the state board of regents and shall certify a copy of each such certification from the state board of regents to the director of accounts and reports. At the same time as such certification is transmitted to the director of accounts and reports, the director of the budget shall transmit a copy of each such certification to the director of legislative research.

(C) On August 15, 2019, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under this subsection, the appropriation for fiscal year 2020 for each account of the state general fund, state economic development initiatives fund, state water plan fund and children's initiatives fund that is appropriated or reappropriated for the fiscal year ending June 30, 2020, by this or other appropriation act of the 2019 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under this subsection.

(2) In determining the amounts to be certified to the director of accounts and reports in accordance with this subsection, the director of the budget and the state board of regents shall consider any changed circumstances and unanticipated reductions in expenditures or unanticipated and required expenditures by the regents agencies for fiscal year 2020.

(3) As used in this subsection, "regents agency" means the state board of regents, Fort Hays state university, Kansas state university, Kansas state university extension systems and agriculture research programs, Kansas state university veterinary medical center, Emporia state university, Pittsburg state university, the university of Kansas, the

university of Kansas medical center and Wichita state university.

(4) The provisions of this subsection shall not apply to:

(A) Any money held in trust in a trust fund or held in trust in any other special revenue fund or funds of any regents agency;

(B) any moneys received from any agency or authority of the federal government or from any other federal source, other than any such federal moneys that are credited to or may be received and credited to special revenue funds of a regents agency and that are determined by the state board of regents to be federal moneys that may be transferred to and debited to the 27th payroll adjustment account of the state general fund by the director of accounts and reports pursuant to this subsection;

(C) any account of the Kansas educational building fund; or

(D) any fund of any regents agency in the state treasury, as determined by the director of the budget, that would experience financial or administrative difficulties as a result of executing the provisions of this subsection, including, but not limited to, cash-flow problems, the inability to meet ordinary expenditure obligations, or any conflicts with prevailing contracts, compacts or other provisions of law.

(5) Each amount transferred from any special revenue fund of any regents agency to the state general fund pursuant to this subsection is transferred to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services that are performed on behalf of the regents agency involved by other state agencies that receive appropriations from the state general fund to provide such services.

(o) During the fiscal year ending June 30, 2020, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for the above agency for fiscal year 2020 by this or other appropriation act of the 2019 regular session of the legislature, expenditures may be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2020, for the secretary of administration to fix, charge and collect fees for architectural, engineering and management services provided for capital improvement projects of the state board of regents or any state educational institution, as defined by K.S.A. 76-711, and amendments thereto, for which the department of administration provides such services and which are financed in whole or in part by gifts, bequests or donations made by one or more private individuals or other private entities: *Provided*, That such fees for such services are hereby authorized to be fixed, charged and collected in accordance with the provisions of K.S.A. 75-1269, and amendments thereto, notwithstanding any provisions of K.S.A. 75-1269, and amendments thereto, to the contrary: *Provided further*, That all such fees received shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the architectural services recovery fund.

(p) (1) On July 1, 2019, the director of accounts and reports shall record a debit to the state treasurer's receivables for the expanded lottery act revenues fund and shall record a corresponding credit to the expanded lottery act revenues fund in an amount certified by the director of the budget that shall be equal to the amount estimated by the director of the budget to be transferred and credited to the expanded lottery act revenues fund during the fiscal year ending June 30, 2020, except that such amount shall be proportionally adjusted during fiscal year 2020 with respect to any change in the

moneys to be transferred and credited to the expanded lottery act revenues fund during fiscal year 2020. All moneys transferred and credited to the expanded lottery act revenues fund during fiscal year 2020 shall reduce the amount debited and credited to the expanded lottery act revenues fund under this subsection.

(2) On June 30, 2020, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the expanded lottery act revenues fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the expanded lottery act revenues fund during fiscal year 2020.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the expanded lottery act revenues fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the expanded lottery act revenues fund by the state treasurer in accordance with the notice thereof.

(q) (1) On July 1, 2019, the director of accounts and reports shall record a debit to the state treasurer's receivables for the children's initiatives fund and shall record a corresponding credit to the children's initiatives fund in an amount certified by the director of the budget that shall be equal to 50% of the amount estimated by the director of the budget to be transferred and credited to the children's initiatives fund during the fiscal year ending June 30, 2020, except that such amount shall be proportionally adjusted during fiscal year 2020 with respect to any change in the moneys to be transferred and credited to the children's initiatives fund during fiscal year 2020. Among other appropriate factors, the director of the budget shall take into consideration the estimated and actual receipts and interest earnings of the Kansas endowment for youth fund for fiscal year 2019 and fiscal year 2020 in determining the amount to be certified under this subsection. All moneys transferred and credited to the children's initiatives fund during fiscal year 2020 shall reduce the amount debited and credited to the children's initiatives fund under this subsection.

(2) On June 30, 2020, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the children's initiatives fund pursuant to this subsection to reflect all moneys actually transferred and credited to the children's initiatives fund during fiscal year 2020.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the children's initiatives fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the children's initiatives fund by the state treasurer in accordance with the notice thereof.

(4) The reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to this subsection for the children's initiatives fund to account for moneys actually received that are to be transferred and credited to the children's initiatives fund shall be made after the reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to subsection (r) for the Kansas endowment for youth fund to account for moneys actually received that are to be deposited in the state treasury and credited to

the Kansas endowment for youth fund.

(r) (1) On July 1, 2019, the director of accounts and reports shall record a debit to the state treasurer's receivables for the Kansas endowment for youth fund and shall record a corresponding credit to the Kansas endowment for youth fund in an amount certified by the director of the budget that shall be equal to 75% of the amount approved for expenditure by the children's cabinet during the fiscal year ending June 30, 2020, as certified by the director of the budget. All moneys received and credited to the Kansas endowment for youth fund during fiscal year 2020 shall reduce the amount debited and credited to the Kansas endowment for youth fund under this subsection.

(2) On June 30, 2020, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the Kansas endowment for youth fund pursuant to this subsection to reflect all moneys actually transferred and credited to the Kansas endowment for youth fund during fiscal year 2020.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the Kansas endowment for youth fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the Kansas endowment for youth fund by the state treasurer in accordance with the notice thereof.

(4) The reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to this subsection for the Kansas endowment for youth fund to account for moneys actually received that are to be deposited in the state treasury and credited to the Kansas endowment for youth fund shall be made before the reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to subsection (q) for the children's initiatives fund to account for moneys actually received that are to be transferred and credited to the children's initiatives fund.

Sec. 63.

OFFICE OF INFORMATION
TECHNOLOGY SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Office 365 cloud email services (335-00-1000-0020).....\$826,378

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Information technology fund (335-00-6110-4030).....No limit

Provided, That any moneys collected from a fee increase for information services recommended by the governor shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the information technology fund.

Information technology
reserve fund (335-00-6147-4080).....No limit

Public safety broadband
services fund (335-00-2125-2125).....No limit

GIS contracting	
services fund (335-00-2163-2163).....	No limit
GIS contracting	
services fund (335-00-6009-6009).....	No limit
State and local implementation grant –	
federal fund (335-00-3576-3576).....	No limit

Sec. 64.

KANSAS INFORMATION SECURITY OFFICE

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Information technology fund (335-00-6110-4030).....	No limit
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Provided, That any moneys collected from a fee increase for information services recommended by the governor shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the information technology fund.

Information technology	
reserve fund (335-00-6147-4080).....	No limit

Sec. 65.

OFFICE OF ADMINISTRATIVE HEARINGS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Administrative hearings	
office fund (178-00-2582).....	No limit

Provided, That expenditures from the administrative hearings office fund for official hospitality shall not exceed \$100.

Sec. 66.

STATE BOARD OF TAX APPEALS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Operating expenditures (562-00-1000-0103).....	\$795,643
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Duplicating fees fund (562-00-2219-2200).....	\$3,000
BOTA filing fee fund (562-00-2240-2240).....	\$1,090,888

Sec. 67.

DEPARTMENT OF REVENUE

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the division of vehicles operating

fund (565-00-2089-2020) of the department of revenue is hereby decreased from \$48,770,738 to \$48,689,925.

Sec. 68.

DEPARTMENT OF REVENUE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Operating expenditures (565-00-1000-0303).....\$15,668,081

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$1,500.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Sand royalty fund (565-00-2087-2010).....No limit
Division of vehicles

operating fund (565-00-2089-2020).....\$50,100,251

Provided, That all receipts collected under authority of K.S.A. 74-2012, and amendments thereto, shall be credited to the division of vehicles operating fund: *Provided further*, That any expenditure from the division of vehicles operating fund of the department of revenue to reimburse the audit services fund (540-00-9204-9000) of the division of post audit for a financial-compliance audit in an amount certified by the legislative post auditor shall be in addition to any expenditure limitation imposed on the division of vehicles operating fund for the fiscal year ending June 30, 2020: *And provided further*, That, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, expenditures may be made from this fund for the administration and operation of the department of revenue.

Vehicle dealers and manufacturers

fee fund (565-00-2189-2030).....No limit

Kansas qualified agricultural ethyl alcohol

producer incentive fund (565-00-2215).....No limit

Division of vehicles

modernization fund (565-00-2390-2390).....No limit

Kansas retail dealer

incentive fund (565-00-2387-2380).....No limit

Local report fee fund (565-00-2249-2160).....No limit

Conversion of materials and

equipment fund (565-00-2417-2050).....No limit

Forfeited property fee fund (565-00-2428-2200).....No limit

Setoff services revenue fund (565-00-2617-2080).....No limit

Publications fee fund (565-00-2663-2090).....No limit

Child support enforcement contractual

agreement fund (565-00-2683-2110).....No limit

County treasurers' vehicle licensing

fee fund (565-00-2687-2120).....No limit

Tax amnesty recovery fund (565-00-2462-2462).....No limit

Reappraisal

reimbursement fund (565-00-2693-2130).....No limit
Provided, That all moneys received for the costs incurred for conducting appraisals for any county shall be deposited in the state treasury and credited to the reappraisal reimbursement fund: *Provided further*, That expenditures may be made from this fund for the purpose of conducting appraisals pursuant to orders of the state board of tax appeals under K.S.A. 79-1479, and amendments thereto.

Special training fund (565-00-2016-2000).....No limit
Provided, That expenditures may be made from the special training fund for operating expenditures, including official hospitality, incurred for conferences, training seminars, workshops and examinations: *Provided further*, That the secretary of revenue is hereby authorized to fix, charge and collect fees for conferences, training seminars, workshops and examinations sponsored or cosponsored by the department of revenue: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenditures incurred for such conferences, training seminars, workshops and examinations or for qualifying applicants for such conferences, training seminars, workshops and examinations: *And provided further*, That all fees received for conferences, training seminars, workshops and examinations shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the special training fund.

Recovery fund for enforcement actions

and attorney fees (565-00-2021-2060).....No limit

Earned income tax credits – TANF –

federal fund (565-00-3345-3340).....No limit

Commercial vehicle information systems/network

federal fund (565-00-3244-3244).....No limit

Temporary assistance – needy families

federal fund (565-00-3323-3323).....No limit

Highway planning construction

federal fund (565-00-3333-3333).....No limit

Immigration MOU

federal fund (565-00-3497-3497).....No limit

Commercial drivers licensing state

program federal fund (565-00-3515-3515).....No limit

DL security grant

program fund (565-00-3780-3150).....No limit

State and community highway

safety fund (565-00-3815-3815).....No limit

Microfilming fund (565-00-2281-2270).....No limit

Provided, That expenditures may be made from the microfilming fund to operate and maintain a microfilming activity to sell microfilming services to other state agencies: *Provided further*, That all moneys received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the microfilming fund.

Miscellaneous trust

bonds fund (565-00-7556-5180).....No limit

Liquor excise tax guarantee

bond fund (565-00-7604-5190).....	No limit
Non-resident contractors cash	
bond fund (565-00-7605-5200).....	No limit
Bond guaranty fund (565-00-7606-5210).....	No limit
Interstate motor fuel user cash	
bond fund (565-00-7616-5220).....	No limit
Motor fuel distributor cash	
bond fund (565-00-7617-5230).....	No limit
Special county mineral production	
tax fund (565-00-7668-5280).....	No limit
County drug tax fund (565-00-7680-5310).....	No limit
Escheat proceeds	
suspense fund (565-00-7753-5290).....	No limit
Privilege tax refund fund (565-00-9031-9300).....	No limit
Suspense fund (565-00-9032-9310).....	No limit
Cigarette tax refund fund (565-00-9033-9330).....	No limit
Motor-vehicle fuel tax	
refund fund (565-00-9035-9350).....	No limit
Cereal malt beverage tax	
refund fund (565-00-9036-9360).....	No limit
Income tax refund fund (565-00-9038-9370).....	No limit
Sales tax refund fund (565-00-9039-9380).....	No limit
Compensating tax	
refund fund (565-00-9040-9390).....	No limit
Alcoholic liquor tax	
refund fund (565-00-9041-9400).....	No limit
Cigarette/tobacco products	
regulation fund (565-00-2294-2190).....	No limit
Motor carrier tax	
refund fund (565-00-9042-9410).....	No limit
Car company tax fund (565-00-9043-9420).....	No limit
Protested motor carrier	
taxes fund (565-00-9044-9430).....	No limit
Tobacco products	
refund fund (565-00-9045-9440).....	No limit
Transient guest tax refund fund (established by	
K.S.A. 12-1694a) (565-00-9066-9450).....	No limit
Interstate motor fuel taxes	
clearing fund (565-00-9070-9710).....	No limit
Motor carrier permits escrow	
clearing fund (565-00-7581-5400).....	No limit
Transient guest tax refund fund established by	
K.S.A. 12-16,100 (565-00-9074-9480).....	No limit
Interstate motor fuel taxes	
refund fund (565-00-9069-9010).....	No limit
Interfund clearing fund (565-00-9096-9510).....	No limit
Local alcoholic liquor	

clearing fund (565-00-9100-9700).....	No limit
International registration plan distribution	
clearing fund (565-00-9103-9520).....	No limit
Rental motor vehicle excise tax	
refund fund (565-00-9106-9730).....	No limit
International fuel tax agreement	
clearing fund (565-00-9072-9015).....	No limit
Mineral production tax	
refund fund (565-00-9121-9540).....	No limit
Special fuels tax refund fund (565-00-9122-9550).....	No limit
LP-gas motor fuels	
refund fund (565-00-9123-9560).....	No limit
Local alcoholic liquor	
refund fund (565-00-9124-9570).....	No limit
Sales tax clearing fund (565-00-9148-9580).....	No limit
Rental motor vehicle excise tax	
clearing fund (565-00-9187-9640).....	No limit
VIPS/CAMA technology	
hardware fund (565-00-2244-2170).....	No limit
<i>Provided, That, notwithstanding the provisions of K.S.A. 74-2021, and amendments thereto, or of any other statute, expenditures may be made from the VIPS/CAMA technology hardware fund (565-00-2244-2170) for the purposes of upgrading the VIPS/CAMA computer hardware and software for the state or for the counties and for administration and operation of the department of revenue.</i>	
County and city retailers sales tax clearing fund – county	
and city sales tax (565-00-9190-9610).....	No limit
City and county compensating use tax	
clearing fund (565-00-9191-9620).....	No limit
County and city transient guest tax	
clearing fund (565-00-9192-9630).....	No limit
Automated tax systems fund (565-00-2265-2265).....	No limit
Dyed diesel fuel fee fund (565-00-2286-2280).....	No limit
Electronic databases fee fund (565-00-2287-2180).....	No limit
<i>Provided, That, notwithstanding the provisions of K.S.A. 74-2022, and amendments thereto, or of any other statute, expenditures may be made from the electronic databases fee fund (565-00-2287-2180) for the purposes of operating expenditures, including expenditures for capital outlay; of operating, maintaining or improving the vehicle information processing system (VIPS), the Kansas computer assisted mass appraisal system (CAMA) and other electronic database systems of the department of revenue, including the costs incurred to provide access to or to furnish copies of public records in such database systems and for the administration and operation of the department of revenue.</i>	
Photo fee fund (565-00-2084-2140).....	No limit
<i>Provided, That, notwithstanding the provisions of K.S.A. 2018 Supp. 8-299, and amendments thereto, or any other statute, expenditures may be made from the photo fee fund for administration and operation of the driver license program and related support operations in the division of administration of the department of revenue, including</i>	

costs of administering the provisions of K.S.A. 8-240, 8-243, 8-267, 8-1324 and 8-1325, and amendments thereto, relating to drivers licenses, instruction permits and identification cards.

Estate tax abatement

refund fund (565-00-9082-9501).....No limit

Distinctive license plate fund (565-00-2232-2230).....No limit

Repossessed certificates of title

fee fund (565-00-2015-2070).....No limit

Hazmat fee fund (565-00-2365-2300).....No limit

Intra-governmental

service fund (565-00-6132-6101).....No limit

Community improvement district sales tax

administration fund (565-00-7675-5300).....No limit

Community improvement district sales tax

refund fund (565-00-9049-9455).....No limit

Community improvement district sales tax

clearing fund (565-00-9189-9655).....No limit

Drivers license first responders indicator

federal fund (565-00-3179-3179).....No limit

Enforcing underage drinking

federal fund (565-00-3219-3219).....No limit

FDA tobacco program

federal fund (565-00-3330-3330).....No limit

Commercial vehicle administrative

system fund (565-00-2098-2098).....No limit

State charitable gaming

regulation fund (565-00-2381-2385).....No limit

Charitable gaming

refund fund (565-00-9001-9001).....No limit

Commercial driver's license drive test

fee fund (565-00-2816-2816).....No limit

DUI-IID designation fund (565-00-2380-2370).....No limit

MSA compliance fund (565-00-2274-2274).....No limit

Alcoholic beverage control

modernization fund (565-00-2299-2299).....No limit

Native American veterans' income tax refund fund.....No limit

(c) On July 1, 2019, October 1, 2019, January 1, 2020, and April 1, 2020, the director of accounts and reports shall transfer \$11,901,365 from the state highway fund (276-00-4100-4100) of the department of transportation to the division of vehicles operating fund (565-00-2089-2020) of the department of revenue for the purpose of financing the cost of operation and general expense of the division of vehicles and related operations of the department of revenue.

(d) On August 1, 2019, the director of accounts and reports shall transfer \$77,250 from the accounting services recovery fund (173-00-6105-4010) of the department of administration to the setoff services revenue fund (565-00-2617-2080) of the department of revenue for reimbursing costs of recovering amounts owed to state agencies under K.S.A. 75-6201 et seq., and amendments thereto.

(e) On August 1, 2019, the director of accounts and reports shall transfer \$20,400 from the social welfare fund (629-00-2195-0110) and \$39,600 from the federal child support enforcement fund (629-00-3316-9100) of the Kansas department for children and families to the child support enforcement contractual agreement fund (565-00-2683-2110) of the department of revenue to reimburse costs of administrative expenses of child support enforcement activities under the agreement.

(f) Notwithstanding the provisions of K.S.A. 8-145, and amendments thereto, or any other statute, for the fiscal year ending June 30, 2020, the state treasurer shall credit \$1 of each division of vehicles modernization surcharge collected and remitted to the secretary of revenue in an amount not to exceed \$500,000 to the digital imaging program fund (173-00-6121-6121) of the department of administration.

(g) Notwithstanding the provisions of K.S.A. 8-145, and amendments thereto, or any other statute, for the fiscal year ending June 30, 2020, the state treasurer shall credit \$1 of each division of vehicles modernization surcharge collected and remitted to the secretary of revenue in an amount not to exceed \$1,000,000 to the criminal justice information system line fund (083-00-2457-2400) of the attorney general – Kansas bureau of investigation.

(h) Notwithstanding the provisions of K.S.A. 8-145, and amendments thereto, or any other statute, for the fiscal year ending June 30, 2020, the state treasurer shall credit \$1 of each division of vehicles modernization surcharge collected and remitted to the secretary of revenue in an amount not to exceed \$1,000,000 to the division of vehicles modernization fund (565-00-2390-2390) of the department of revenue.

(i) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,135,382 from the Kansas endowment for youth fund (365-00-7000-2000) to the MSA compliance fund (565-00-2274-2274) of the department of revenue.

(j) On July 1, 2019, and on the first day of each month thereafter during fiscal year 2020, the secretary of revenue shall report to the director of the budget and the director of the legislative research department: (1) The amount of any increase in the amount of taxes, interest and penalties collected in the immediately preceding month that is attributable to the implementation of the automated tax systems authorized by K.S.A. 75-5147, and amendments thereto; and (2) that portion of such monthly increase in the amount of taxes, interest and penalties that is currently necessary to pay one or more vendors pursuant to contracts entered into under K.S.A. 75-5147, and amendments thereto, for the acquisition or implementation of such automated tax systems. Upon receipt of each such report from the secretary of revenue, the director of the budget shall certify to the director of accounts and reports the amount reported that is necessary to be paid to such vendors and the director of accounts and reports shall transfer the amount certified from the state general fund to the automated tax systems fund (565-00-2265-2265) of the department of revenue.

Sec. 69.

KANSAS LOTTERY

(a) On the effective date of this act, the aggregate amount authorized by section 78(b) of chapter 104 of the 2017 Session Laws of Kansas to be transferred from the lottery operating fund (450-00-5123-5100) to the state gaming revenues fund (173-00-9011-9100) during the fiscal year ending June 30, 2019, is hereby decreased from \$76,000,000 to \$73,700,000.

(b) Notwithstanding the provisions of K.S.A. 74-8724, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2019, the director of accounts and reports shall transfer from the lottery operating fund (450-00-5123-5100) to the state gaming revenues fund (173-00-9011-9100) the amount of total profit attributed to the veterans benefits game pursuant to K.S.A. 74-8724, and amendments thereto, during fiscal year 2019: *Provided further*, That, the transfer to the veterans benefit lottery game fund for the fiscal year ending June 30, 2019, authorized by section 63(e) of chapter 109 of the 2018 Session Laws of Kansas represents and includes the profits derived from the veterans benefits game pursuant to K.S.A. 74-8724, and amendments thereto: *Provided further*, That, on or before August 1, 2019, the executive director of the lottery shall report the amount of total profit attributed to the veterans benefits game pursuant to K.S.A. 74-8724, and amendments thereto, during fiscal year 2019 to the director of the budget and the director of legislative research.

Sec. 70.

KANSAS LOTTERY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Lottery prize payment fund (450-00-7381).....	No limit
Lottery operating fund (450-00-5123).....	No limit
<i>Provided</i> , That expenditures from the lottery operating fund for official hospitality shall not exceed \$5,000.	
Expanded lottery receipts fund (450-00-5128).....	No limit
Lottery gaming facility manager fund (450-00-5129-5150).....	No limit
Expanded lottery act revenues fund (450-00-5127-5120).....	\$0

(b) Notwithstanding the provisions of K.S.A. 74-8711, and amendments thereto, and subject to the provisions of this subsection: (1) An amount of not less than \$2,300,000 shall be certified by the executive director of the Kansas lottery to the director of accounts and reports on or before July 15, 2019; and (2) an amount of not less than \$4,700,000 shall be certified by the executive director of the Kansas lottery to the director of accounts and reports on or before August 15, 2019, and on or before the 15th of each month thereafter through June 15, 2020: *Provided*, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the lottery operating fund (450-00-5123-5100) to the state gaming revenues fund (173-00-9011-9100) and shall credit such amount to the state gaming revenues fund (173-00-9011-9100) for the fiscal year ending June 30, 2020: *Provided, however*, That, after the date that an amount of \$54,000,000 has been transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2020 pursuant to this subsection, the executive director of the Kansas lottery shall continue to certify amounts to the director of accounts and reports on or before the 15th of each month through June 15, 2020, except that the amounts certified after such date shall not be subject to the minimum amount of \$4,700,000: *Provided further*, That the amounts certified by the executive director of the Kansas lottery to the director of accounts and reports, after the date an amount of \$54,000,000 has been transferred from the lottery

operating fund to the state gaming revenues fund for fiscal year 2020 pursuant to this subsection, shall be determined by the executive director so that an aggregate of all amounts certified pursuant to this subsection for fiscal year 2020 is equal to or more than \$68,040,000: *And provided further*, That the aggregate of all amounts transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2020 pursuant to this subsection shall be equal to or more than \$68,040,000: *And provided further*, That the transfers prescribed by this subsection shall be the maximum amount possible while maintaining an adequate cash balance necessary to make expenditures for prize payments and operating costs: *And provided further*, That the transfers prescribed in this subsection shall include the total profit attributed to the special veterans benefit game under K.S.A. 74-8724, and amendments thereto: *And provided further*, That the transfers prescribed by this subsection shall be made in lieu of transfers under K.S.A. 74-8711(d), and amendments thereto, for fiscal year 2020.

(c) In addition to the purposes for which expenditures of moneys in the lottery operating fund (450-00-5123-5100) may be made, as authorized by provisions of K.S.A. 74-8711, and amendments thereto, in fiscal year 2020, moneys in the lottery operating fund may be used for payment of all costs incurred in the operation and administration of the Kansas lottery, the Kansas lottery act and the Kansas expanded lottery act.

(d) Notwithstanding the provisions of K.S.A. 74-8724, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2020, the director of accounts and reports shall transfer from the lottery operating fund (450-00-5123-5100) to the state gaming revenues fund (173-00-9011-9100) the amount of total profit attributed to the veterans benefits game pursuant to K.S.A. 74-8724, and amendments thereto, during fiscal year 2020: *Provided*, That, the transfer to the veterans benefit lottery game fund for the fiscal year ending June 30, 2020, authorized by section 64(b) of chapter 109 of the 2018 Session Laws of Kansas represents and includes the profits derived from the veterans benefit game pursuant to K.S.A. 74-8724, and amendments thereto: *Provided further*, That, on or before August 1, 2020, the executive director of the lottery shall report the amount of total profit attributed to the veterans benefits game pursuant to K.S.A. 74-8724, and amendments thereto, during fiscal year 2020 to the director of the budget and the director of legislative research.

Sec. 71.

KANSAS RACING AND
GAMING COMMISSION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State racing fund (553-00-5131-5000).....	No limit
<i>Provided</i> , That expenditures from the state racing fund for official hospitality shall not exceed \$2,500.	
Racing reimbursable	
expense fund (553-00-2616-2600).....	No limit
Racing applicant	
deposit fund (553-00-7383-7000).....	No limit
Kansas horse breeding	

development fund (553-00-2516-2300).....No limit

Kansas greyhound breeding

development fund (553-00-2601-2500).....No limit

Provided, That notwithstanding K.S.A. 74-8831, and amendments thereto, all moneys transferred into this fund pursuant to K.S.A. 74-8767(b), and amendments thereto, shall be deposited to a separate account established for the purpose described in this proviso and moneys in this account shall be expended only to supplement special stake races and to enhance the amount per point paid to owners of Kansas-whelped greyhounds that win live races at Kansas greyhound tracks and pursuant to rules and regulations adopted by the Kansas racing and gaming commission: *Provided further*; That transfers from this account to the live greyhound racing purse supplement fund may be made in accordance with K.S.A. 74-8767(b), and amendments thereto.

Racing investigative

expense fund (553-00-2570-2400).....No limit

Horse fair racing

benefit fund (553-00-2296-3000).....No limit

Tribal gaming fund (553-00-2320-3700).....No limit

Provided, That expenditures from the tribal gaming fund for official hospitality shall not exceed \$1,000.

Expanded lottery regulation fund (553-00-2535).....No limit

Provided, That expenditures from the expanded lottery regulation fund for official hospitality shall not exceed \$1,500.

Live horse racing purse

supplement fund (553-00-2546-2800).....No limit

Live greyhound racing purse

supplement fund (553-00-2557-2900).....No limit

Greyhound promotion and

development fund (553-00-2561-3100).....No limit

Gaming background

investigation fund (553-00-2682-2680).....No limit

Gaming machine

examination fund (553-00-2998-2990).....No limit

Education and training fund (553-00-2459-2450).....No limit

Provided, That expenditures may be made from the education and training fund for operating expenditures, including official hospitality, incurred for hosting or providing training, in-service workshops and conferences: *Provided further*; That the Kansas racing and gaming commission is hereby authorized to fix, charge and collect fees for hosting or providing training, in-service workshops and conferences: *And provided further*; That such fees shall be fixed in order to recover all or part of the operating expenditures incurred for hosting or providing such training, in-service workshops and conferences: *And provided further*; That all fees received for hosting or providing such training, in-service workshops and conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the education and training fund.

Illegal gambling

enforcement fund (553-00-2734-2690).....No limit

Provided, That expenditures may be made from the illegal gambling enforcement

fund for direct or indirect operating expenditures incurred for investigatory seizure and forfeiture activities, including, but not limited to: (1) Conducting investigations of illegal gambling operations or activities; (2) participating in illegal gaming in order to collect or purchase evidence as part of an undercover investigation into illegal gambling operations; and (3) acquiring information or making contacts leading to illegal gaming activities: *Provided, however,* That all moneys that are expended for any such evidence purchase, information acquisition or similar investigatory purpose or activity from whatever funding source and that are recovered shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the illegal gambling enforcement fund: *Provided further,* That any moneys received or awarded to the Kansas racing and gaming commission for such enforcement activities shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the illegal gambling enforcement fund.

(b) On July 1, 2019, the director of accounts and reports shall transfer \$450,000 from the state general fund to the tribal gaming fund (553-00-2320-3700) of the Kansas racing and gaming commission.

(c) During the fiscal year ending June 30, 2020, the director of accounts and reports shall transfer one or more amounts certified by the executive director of the state gaming agency from the tribal gaming fund to the state general fund: *Provided,* That all such transfers shall be for the purpose of reimbursing the state general fund for the amount equal to the net amount obtained by subtracting (1) the aggregate of any costs incurred by the state gaming agency during fiscal year 2020 for any arbitration or litigation in connection with the administration and enforcement of tribal-state gaming compacts or the provisions of the tribal gaming oversight act, from (2) the aggregate of the amounts transferred to the tribal gaming fund (553-00-2320-3700) of the Kansas racing and gaming commission during fiscal year 2020 for the operating expenditures for the state gaming agency and any other expenses incurred in connection with the administration and enforcement of tribal-state gaming compacts or the provisions of the tribal gaming oversight act.

(d) During the fiscal year ending June 30, 2020, all payments for services provided by the Kansas bureau of investigation shall be paid by the Kansas racing and gaming commission in accordance with K.S.A. 75-5516(b), and amendments thereto, pursuant to bills that are presented in a timely manner by the Kansas bureau of investigation for services rendered.

(e) In addition to the other purposes for which expenditures may be made from the moneys appropriated in the tribal gaming fund (553-00-2320-3700) for fiscal year 2020 for the Kansas racing and gaming commission by this or other appropriation act of the 2019 regular session of the legislature, expenditures, which are hereby authorized, may be made from the tribal gaming fund for fiscal year 2020 for the state gaming agency regulatory oversight of class III gaming, including, but not limited to, the regulatory oversight and law enforcement activities of monitoring compliance with tribal-state gaming compacts and conducting investigations of violations of tribal-state gaming compacts, investigations of criminal violations of the laws of this state at tribal gaming facilities, criminal violations of the tribal gaming oversight act, background investigations of applicants and vendors and investigations of other criminal activities related to tribal gaming.

(f) Notwithstanding the provisions of K.S.A. 74-8831, and amendments thereto, or any other statute, the director of accounts and reports shall not make the transfer from the Kansas greyhound breeding development fund (553-00-2601-2500) of the Kansas racing and gaming commission to the greyhound tourism fund of the Kansas department of wildlife, parks and tourism that is directed to be made on or before June 30, 2020, by K.S.A. 74-8831(b)(1), and amendments thereto, and shall transfer on or before June 30, 2020, the amount equal to 15% of all moneys credited to the Kansas greyhound breeding development fund during the fiscal year ending June 30, 2020, from the Kansas greyhound breeding development fund to the greyhound promotion and development fund (553-00-2561-3100) of the Kansas racing and gaming commission.

(g) During the fiscal year ending June 30, 2020, notwithstanding the provisions of any other statute, the Kansas racing and gaming commission is hereby authorized to fix, charge and collect additional fees to recover all or part of the direct and indirect costs or operating expenses incurred or expected to be incurred by the Kansas racing and gaming commission for the regulation of racing activities that are not otherwise recovered from a parimutuel facility licensee under authority of any other statute: *Provided*, That such fees shall be in addition to all taxes and other fees otherwise authorized by law: *Provided further*, That such costs or operating expenses shall include all or part of any auditing, drug testing, accounting, security and law enforcement, licensing of any office or other facility for use by a parimutuel facility licensee or projects to update and upgrade information technology software or facilities of the commission and shall specifically include any general operating expenses that are associated with regulatory activities attributable to the entity upon which any such fee is imposed and all expenses related to reopening any race track or other racing facility: *And provided further*, That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the state racing fund (553-00-5131-5000).

(h) On July 1, 2019, during the fiscal year ending June 30, 2020, notwithstanding the provisions of K.S.A. 74-8803, and amendments thereto, or any other statute, expenditures shall be made by the above agency from any special revenue fund or funds for the purposes of compensating the members of the Kansas racing and gaming commission for performing the duties and functions of the commission, based on the daily rate of \$88.66 as provided in K.S.A. 46-137a, and amendments thereto. The members of the commission shall continue to be paid subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

Sec. 72.

DEPARTMENT OF COMMERCE

(a) On the effective date of this act, of the \$2,053,457 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 83(b) of chapter 104 of the 2017 Session Laws of Kansas from the state economic development initiatives fund in the rural opportunity zones program account (300-00-1900-1150), the sum of \$213,214 is hereby lapsed.

(b) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2019, the following:

Build up Kansas.....\$125,000

(c) On the effective date of this act, the amount of \$18,700,000 authorized by

section 59(d) of chapter 109 of the 2018 Session Laws of Kansas to be transferred by the director of accounts and reports from the state economic development initiatives fund (300-00-1900-1100) of the department of commerce to the state general fund is hereby decreased to \$18,575,000.

Sec. 73.

DEPARTMENT OF COMMERCE

(a) Any unencumbered balance in excess of \$100 as of June 30, 2019, in the KBA grant commitments account of the state general fund is hereby reappropriated for fiscal year 2020.

(b) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2020, the following:

Main street program.....\$250,000

Older Kansans

 employment program (300-00-1900-1140).....\$502,636

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2019, in the older Kansans employment program account is hereby reappropriated for fiscal year 2020.

Rural opportunity

 zones program (300-00-1900-1150).....\$1,002,732

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2019, in the rural opportunity zones program account is hereby reappropriated for fiscal year 2020.

Senior community service

 employment program (300-00-1900-1160).....\$7,743

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2019, in the senior community service employment program account is hereby reappropriated for fiscal year 2020.

Strong military

 bases program (300-00-1900-1170).....\$195,452

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2019, in the strong military bases program account is hereby reappropriated for fiscal year 2020.

Governor's council of

 economic advisors (300-00-1900-1185).....\$193,795

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2019, in the governor's council of economic advisors account is hereby reappropriated for fiscal year 2020.

Creative arts industries

 commission (300-00-1900-1188).....\$500,000

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2019, in the creative arts industries commission account is hereby reappropriated for fiscal year 2020.

Operating grant (including

 official hospitality) (300-00-1900-1110).....\$9,451,292

Provided, That any unencumbered balance in the operating grant (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*; That expenditures may be made from the operating grant (including official hospitality) account for certified development companies that

have been determined to be qualified for grants by the secretary of commerce, except that expenditures for such grants shall not be made for grants to more than 10 certified development companies that have been determined to be qualified for grants by the secretary of commerce.

Public broadcasting grants (300-00-1900-1190).....\$500,000

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2019, in the public broadcasting grants account is hereby reappropriated for fiscal year 2020.

Global trade services (300-00-1900-1200).....\$250,000

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2019, in the global trade services account is hereby reappropriated for fiscal year 2020.

Any unencumbered balance in excess of \$100 as of June 30, 2019, in each of the following accounts is hereby reappropriated for fiscal year 2020: Build up Kansas.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Job creation program fund (300-00-2467-2467).....No limit

Kan-grow engineering fund – KU (300-00-2494-2494).....\$3,500,000

Kan-grow engineering fund – KSU (300-00-2494-2495).....\$3,500,000

Kan-grow engineering fund – WSU (300-00-2494-2496).....\$3,500,000

Kansas creative arts industries commission special gifts fund (300-00-7004-7004).....No limit

Governor's council of economic advisors private operations fund (300-00-2761-2701).....No limit

Publication and other sales fund (300-00-2048).....No limit

Conversion of equipment and materials fund (300-00-2411-2220).....No limit

Conference registration and disbursement fund (300-00-2049).....No limit

Reimbursement and recovery fund (300-00-2275).....No limit

Community development block grant – federal fund (300-00-3669).....No limit

National main street center fund (300-00-7325-7000).....No limit

IMPACT program services fund (300-00-2176).....No limit

IMPACT program repayment fund (300-00-7388).....No limit

Kansas partnership fund (300-00-7525-7020).....No limit

General fees fund (300-00-2310).....No limit

Provided, That expenditures may be made from the general fees fund for loans pursuant to loan agreements, which are hereby authorized to be entered into by the secretary of commerce in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary therefor under programs of the department.

Athletic fee fund (300-00-2599-2500).....No limit

WIOA adult – federal fund (300-00-3270).....	No limit
WIOA youth activities –	
federal fund (300-00-3039).....	No limit
WIOA dislocated workers –	
federal fund (300-00-3428).....	No limit
Trade adjustment assistance –	
federal fund (300-00-3273).....	No limit
Disabled veterans outreach program –	
federal fund (300-00-3274-3242).....	No limit
Local veterans employment representative program –	
federal fund (300-00-3274-3240).....	No limit
Wagner Peysen employment services –	
federal fund (300-00-3275).....	No limit
Senior community service employment program –	
federal fund (300-00-3100-3510).....	No limit
Indirect cost – federal fund (300-00-2340-2300).....	No limit
Temporary labor certification foreign workers –	
federal fund (300-00-3448).....	No limit
Work opportunity tax credit –	
federal fund (300-00-3447-3447).....	No limit
American job link alliance –	
federal fund (300-00-3100-3516).....	No limit
American job link alliance job corps –	
federal fund (300-00-3100-3512).....	No limit
Child care/development block grant –	
federal fund (300-00-3028-3028).....	No limit
Enterprise facilitation fund (300-00-2378-2710).....	No limit
Unemployment insurance –	
federal fund (300-00-3335).....	No limit
State small business credit initiative –	
federal fund (300-00-3567).....	No limit
Creative arts industries commission	
gifts, grants and bequests –	
federal fund (300-00-3210-3218).....	No limit
Kansas creative arts industries commission	
checkoff fund (300-00-2031-2031).....	No limit
Workforce data quality initiative –	
federal fund (300-00-3237-3237).....	No limit
AJLA special revenue fund (300-00-2190-2190).....	No limit
Workforce innovation –	
federal fund (300-00-3581).....	No limit
Reemployment connections initiative –	
federal fund (300-00-3585).....	No limit
SBA STEP grant –	
federal fund (300-00-3573-3573).....	No limit
Apprenticeship USA state –	
federal fund (300-00-3949).....	No limit

Kansas health profession opportunity project – federal fund (300-00-3951).....	No limit
Second chance grant – federal fund (300-00-3895).....	No limit
H-1B technical skills training grant – federal fund (300-00-3400).....	No limit
State broadband data development grant – federal fund (300-00-3782-3700).....	No limit
Transition assistance program grant – federal fund (300-00-3451-3451).....	No limit

(d) The secretary of commerce is hereby authorized to fix, charge and collect fees during the fiscal year ending June 30, 2020, for: (1) The provision and administration of conferences held for the purposes of programs and activities of the department of commerce and for which fees are not specifically prescribed by statute; (2) sale of publications of the department of commerce and for sale of educational and other promotional items and for which fees are not specifically prescribed by statute; and (3) promotional and other advertising and related economic development activities and services provided under economic development programs and activities of the department of commerce: *Provided*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing such services, conferences, publications and items, advertising and other economic development activities and services provided under economic development programs and activities of the department of commerce for which fees are not specifically prescribed by statute: *Provided further*, That all such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to one or more special revenue fund or funds of the department of commerce as specified by the secretary of commerce: *And provided further*, That expenditures may be made from such special revenue fund or funds of the department of commerce for fiscal year 2020, in accordance with the provisions of this or other appropriation act of the 2019 regular session of the legislature, for operating expenses incurred in providing such services, conferences, publications and items, advertising, programs and activities and for operating expenses incurred in providing similar economic development activities and services provided under economic development programs and activities of the department of commerce.

(e) In addition to the other purposes for which expenditures may be made by the department of commerce from moneys appropriated in any special revenue fund or funds for fiscal year 2020 for the department of commerce as authorized by this or other appropriation act of the 2019 regular session of the legislature, notwithstanding the provisions of any other statute, expenditures may be made by the department of commerce from moneys appropriated in any special revenue fund or funds for fiscal year 2020 for official hospitality.

(f) During the fiscal year ending June 30, 2020, the secretary of commerce, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2020, from the state economic development initiatives fund for the department of commerce to another item of appropriation for fiscal year 2020 from the state economic development initiatives fund for the department of commerce. The secretary of commerce shall certify each such

transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(g) On July 1, 2019, the director of accounts and reports shall transfer \$17,589,963 from the state economic development initiatives fund (300-00-1900-1100) to the state general fund.

Sec. 74.

KANSAS HOUSING RESOURCES CORPORATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State housing trust fund (175-00-7370-7000).....No limit

Provided, That all expenditures from the state housing trust fund shall be made by the Kansas housing resources corporation for the purposes of administering and supporting housing programs of the Kansas housing resources corporation.

Sec. 75.

DEPARTMENT OF LABOR

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Operating expenditures (296-00-1000-0503).....\$699,710

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That in addition to the other purposes for which expenditures may be made by the above agency from this account for the fiscal year ending June 30, 2020, expenditures may be made from this account for the costs incurred for court reporting under K.S.A. 72-2218 et seq. and 75-4321 et seq., and amendments thereto: *And provided further*, That expenditures from this account for official hospitality by the secretary of labor shall not exceed \$2,000.

Amusement ride safety (296-00-1000-0513).....\$252,336

Provided, That any unencumbered balance in the amusement ride safety account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Workmen's compensation

fee fund (296-00-2124-2220).....\$13,613,676

Occupational health and safety –

federal fund (296-00-3339-3210).....No limit

Employment security interest

assessment fund (296-00-2771-2700).....No limit

Special employment

security fund (296-00-2120-2080).....No limit

Employment security

administration fund (296-00-3335-3100).....No limit

Wage claims assignment

fee fund (296-00-2204-2240).....No limit

Department of labor special projects fund (296-00-2041-2105).....	No limit
Federal indirect cost offset fund (296-00-2302-2280).....	No limit
<i>Provided, That, notwithstanding the provisions of K.S.A. 44-716a, and amendments thereto, or any statute to the contrary, during fiscal year 2020, the secretary of labor, with the approval of the director of the budget, may transfer from the special employment security fund of the Kansas department of labor to the department of labor federal indirect cost offset fund the portion of such amount that is determined necessary to be in compliance with the employment security law: Provided further; That, upon approval of any such transfer by the director of the budget, notification will be provided to the Kansas legislative research department.</i>	
Employment security fund (296-00-7056-7200).....	No limit
Labor force statistics federal fund (296-00-3742-3742).....	No limit
Compensation and working conditions federal fund (296-00-3743-3743).....	No limit
Employment services Wagner-Peyser funded activities federal fund (296-00-3275-3275).....	No limit
Dispute resolution fund (296-00-2587-2270).....	No limit
<i>Provided, That all moneys received by the secretary of labor for reimbursement of expenditures for the costs incurred for mediation under K.S.A. 72-2232, and amendments thereto, and for fact-finding under K.S.A. 72-2233, and amendments thereto, shall be deposited in the state treasury and credited to the dispute resolution fund: Provided further; That expenditures may be made from this fund to pay the costs incurred for mediation under K.S.A. 72-2232, and amendments thereto, and for fact-finding under K.S.A. 72-2233, and amendments thereto, subject to full reimbursement therefor by the board of education and the professional employees' organization involved in such mediation and fact-finding procedures.</i>	
Indirect cost fund (296-00-2781-2781).....	No limit
Workforce data quality initiative – federal fund (296-00-3237-3237).....	No limit
Employment security fund clearing account (296-00-7055-7100).....	No limit
Employment security fund benefit account (296-00-7054-7000).....	No limit
Employment security fund – special suspense account (296-00-7057-7300).....	No limit
Special wage payment clearing trust fund (296-00-7362-7500).....	No limit
Economic adjustment assistance – federal fund (296-00-3415-3415).....	No limit
Social security administration disability – federal fund (296-00-3309-3309).....	No limit
Amusement ride safety fund (296-00-2224-2250).....	No limit
KDOL off-budget fund (296-00-6112-6100).....	No limit
Renovation bond fund (296-00-8432-8411).....	No limit

SNAP employment and training pilot –
federal fund (296-00-3321-3350).....No limit
Sec. 76.

KANSAS COMMISSION ON
VETERANS AFFAIRS OFFICE

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2019, for the capital improvements project or projects specified, the following:

Veterans' home rehabilitation and
repair projects (694-00-8100-8250).....\$87,632
Halsey hall kitchen (694-00-8100-8281).....\$265,275

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 63(d) of chapter 109 of the 2018 Session Laws of Kansas on the veterans benefit lottery game fund (694-00-2303-2303) of the Kansas commission on veterans affairs office is hereby increased from \$1,200,000 to no limit.

Sec. 77.

KANSAS COMMISSION ON
VETERANS AFFAIRS OFFICE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Operating expenditures –
administration (694-00-1000-0103).....\$611,333

Provided, That any unencumbered balance in the operating expenditures – administration account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Operating expenditures –
veteran services (694-00-1000-0203).....\$1,575,179

Provided, That any unencumbered balance in the operating expenditures – veteran services account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*; That expenditures from this account for official hospitality shall not exceed \$1,500.

Operations – state
veterans cemeteries (694-00-1000-0703).....\$598,066

Provided, That any unencumbered balance in the operations – state veterans cemeteries account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*; That expenditures from this account for official hospitality shall not exceed \$1,200.

Operating expenditures – Kansas
soldiers' home (694-00-1000-0403).....\$1,787,803

Provided, That any unencumbered balance in the operating expenditures – Kansas soldiers' home account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Operating expenditures – Kansas
veterans' home (694-00-1000-0503).....\$542,843

Provided, That any unencumbered balance in the operating expenditures – Kansas veterans' home account in excess of \$100 as of June 30, 2019, is hereby reappropriated

for fiscal year 2020.

Veterans claim assistance program –
 service grants (694-00-1000-0903).....\$650,000

Provided, That any unencumbered balance in the veterans claim assistance program – service grants account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures from the veterans claim assistance program – service grants account shall be made only for the purpose of awarding service grants to veterans service organizations for the purpose of aiding veterans in obtaining federal benefits: *Provided, however*, That no expenditures shall be made by the Kansas commission on veterans affairs office from the veterans claim assistance program – service grants account for operating expenditures or overhead for administering the grants in accordance with the provisions of K.S.A. 73-1234, and amendments thereto.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Soldiers' home fee fund (694-00-2241-2100).....	No limit
Soldiers' home benefit fund (694-00-7903-5400).....	No limit
Soldiers' home work therapy fund (694-00-7951-5600).....	No limit
Soldiers' home medicare fund (694-00-3168-3100).....	No limit
Soldiers' home medicaid fund (694-00-2464-2464).....	No limit
Veterans' home medicare fund (694-00-3893-3893).....	No limit
Veterans' home medicaid fund (694-00-2469-2469).....	No limit
Veterans' home fee fund (694-00-2236-2200).....	No limit
Veterans' home canteen fund (694-00-7809-5300).....	No limit
Veterans' home benefit fund (694-00-7904-5500).....	No limit
Soldiers' home outpatient clinic fund (694-00-2258-2300).....	No limit
State veterans cemeteries fee fund (694-00-2332-2600).....	No limit
State veterans cemeteries donations and contributions fund (694-00-7308-5200).....	No limit
Outpatient clinic patient federal reimbursement fund – federal (694-00-3205-3300).....	No limit
VA burial reimbursement fund – federal (694-00-3212-3310).....	No limit
Federal domiciliary per diem fund (694-00-3220).....	No limit
Federal long term care per diem fund (694-00-3232).....	No limit
Commission on veterans affairs federal fund (694-00-3241-3340).....	No limit

Kansas veterans	
memorials fund (694-00-7332-5210).....	No limit
Vietnam war era veterans' recognition	
award fund (694-00-7017-7000).....	No limit
Kansas hometown	
heroes fund (694-00-7003-7001).....	No limit
Persian gulf war veterans health	
initiatives fund (694-00-2304-2500).....	No limit
Construction state home	
facilities fund (694-00-3018-3000).....	No limit
State cemetery grants fund (694-00-3048-3200).....	No limit
Kansas soldier home construction	
grant fund (694-00-3075-3400).....	No limit
Winfield veterans home acquisition	
construction fund (694-00-8806-8200).....	No limit

(c) (1) During the fiscal year ending June 30, 2020, notwithstanding the provisions of K.S.A. 73-1231, 73-1233, 75-3728g, 76-1906 or 76-1953, and amendments thereto, or any other statute, the director of the Kansas commission on veterans affairs office, with the approval of the director of the budget, may transfer moneys that are credited to a special revenue fund of the Kansas commission on veterans affairs office to another special revenue fund of the Kansas commission on veterans affairs office. The director of the Kansas commission on veterans affairs office shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(2) As used in this subsection, "special revenue fund" means the soldiers' home fee fund (694-00-2241-2100), veterans' home fee fund (694-00-2236-2200), soldiers' home outpatient clinic fund (694-00-2258-2300), soldiers' home benefit fund (694-00-7903-5400), soldiers' home work therapy fund (694-00-7951-5600), veterans' home canteen fund (694-00-7809-5300), veterans' home benefit fund (694-00-7904-5500), Persian Gulf War veterans health initiative fund (694-00-2304-2500), state veterans cemeteries fee fund (694-00-2332-2600), state veterans cemeteries donations and contributions fund (694-00-7308-5200) and Kansas veterans memorials fund (694-00-7332-5210).

(d) During the fiscal year ending June 30, 2020, the director of the Kansas commission on veterans affairs office, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2020, from the state general fund for the Kansas commission on veterans affairs office or any institution or facility under the general supervision and management of the Kansas commission on veterans affairs office to another item of appropriation for fiscal year 2020 from the state general fund for the Kansas commission on veterans affairs office or any institution or facility under the general supervision and management of the Kansas commission on veterans affairs office. The director of the Kansas commission on veterans affairs office shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(e) During the fiscal year ending June 30, 2020, the director of the Kansas commission on veterans affairs office, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30,

2020, from the state general fund for the Kansas commission on veterans affairs office to the Vietnam war era veterans' recognition award fund (694-00-7017-7000). The director of the Kansas commission on veterans affairs office shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(f) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2020, by section 64(a) of chapter 109 of the 2018 Session Laws of Kansas on the veterans benefit lottery game fund (694-00-2303-2303) of the Kansas commission on veterans affairs office is hereby increased from \$1,260,000 to no limit.

Sec. 78.

DEPARTMENT OF HEALTH AND ENVIRONMENT –
DIVISION OF PUBLIC HEALTH

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Alzheimer's association inclusion –	
federal fund.....	No limit
ESSA preschool development	
grants birth through five	
federal fund.....	No limit
Right-to-know fee fund (264-00-2325-2325).....	No limit

(b) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of public health from moneys appropriated from the cerebral palsy posture seating account (264-00-1000-1500) of the state general fund for fiscal year 2019 by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2019 regular session of the legislature, expenditures may be made by the above agency for posture seating for adults.

Sec. 79.

DEPARTMENT OF HEALTH AND ENVIRONMENT –
DIVISION OF PUBLIC HEALTH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Operating expenditures (including official	
hospitality) (264-00-1000-0202).....	\$4,426,300

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Operating expenditures (including official	
hospitality) – health (264-00-1000-0270).....	\$2,296,059

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) – health account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Vaccine purchases (264-00-1000-0900).....	\$329,607
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Provided, That any unencumbered balance in the vaccine purchases account in excess

of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Aid to local units (264-00-1000-0350).....\$4,805,709

Provided, That any unencumbered balance in the aid to local units account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*; That all expenditures from this account for state financial assistance to local health departments shall be in accordance with the formula prescribed by K.S.A. 65-241 through 65-246, and amendments thereto.

Aid to local units – primary

health projects (264-00-1000-0460).....\$10,570,690

Provided, That any unencumbered balance in the aid to local units – primary health projects account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*; That prescription support expenditures shall be made from the aid to local units – primary health projects account for: (1) Purchasing drug inventory under section 340B of the federal public health service act for community health center grantees and federally qualified health center look-alikes who qualify; (2) increasing access to prescription drugs by subsidizing a portion of the costs for the benefit of patients at section 340B participating clinics on a sliding fee scale; and (3) expanding access to prescription medication assistance programs by making expenditures to support operating costs of assistance programs: *And provided further*; That funded clinics shall be not-for-profit or publicly funded primary care clinics or dental clinics, including federally qualified community health centers and federally qualified community health center look-alikes, as defined by 42 U.S.C. § 330, that provide comprehensive primary health care or dental services, offer sliding fee discounts based upon household income and serve any person regardless of ability to pay and have a unique patient panel that, at a minimum, represents the income-based disparities of the community: *And provided further*; That policies determining patient eligibility due to income or insurance status may be determined by each community but must be clearly documented and posted: *And provided further*; That of the moneys appropriated in the aid to local units – primary health projects account, not less than \$10,420,690 shall be distributed for community-based primary care grants and services provided by the community care network of Kansas.

Infant and toddler program (264-00-1000-0570).....\$2,000,000

Aid to local units –

women's wellness (264-00-1000-0610).....\$94,296

Provided, That any unencumbered balance in the aid to local units – women's wellness account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*; That all expenditures from the aid to local units – women's wellness account shall be in accordance with grant agreements entered into by the secretary of health and environment and grant recipients.

Immunization programs (264-00-1000-1400).....\$397,418

Provided, That any unencumbered balance in the immunization programs account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Breast cancer

screening program (264-00-1000-1300).....\$219,336

Provided, That any unencumbered balance in the breast cancer screening program account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Pregnancy maintenance initiative (264-00-1000-1100).....\$338,846

Provided, That any unencumbered balance in the pregnancy maintenance initiative account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Cerebral palsy posture seating (264-00-1000-1500).....\$303,537

Provided, That any unencumbered balance in the cerebral palsy posture seating account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures may be made by the above agency from the cerebral palsy posture seating account for posture seating for adults.

PKU treatment (264-00-1000-1710).....\$199,274

Provided, That any unencumbered balance in the PKU treatment account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Teen pregnancy prevention activities (264-00-1000-0650).....\$338,846

Provided, That any unencumbered balance in the teen pregnancy prevention activities account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Breast and cervical cancer program and detection – federal fund (264-00-3150-3350).....No limit

Health and environment training fee fund – health (264-00-2183-2160).....No limit

Provided, That expenditures may be made from the health and environment training fee fund – health for acquisition and distribution of division of public health program literature and films and for participation in or conducting training seminars for training employees of the division of public health of the department of health and environment, for training recipients of state aid from the division of public health of the department of health and environment and for training representatives of industries affected by rules and regulations of the department of health and environment relating to the division of public health: *Provided further*, That the secretary of health and environment is hereby authorized to fix, charge and collect fees in order to recover costs incurred for such acquisition and distribution of literature and films and for the operation of such seminars: *And provided further*, That such fees may be fixed in order to recover all or part of such costs: *And provided further*, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the health and environment training fee fund – health: *And provided further*, That, in addition to the other purposes for which expenditures may be made by the department of health and environment for the division of public health from moneys appropriated from the health and environment training fee fund – health for fiscal year 2020, expenditures may be made by the department of health and environment from the health and environment training fee fund – health for fiscal year 2020 for agency operations for the division of public health.

Health facilities review fund (264-00-2505-2250).....	No limit
Insurance statistical	
plan fund (264-00-2243-2840).....	No limit
Health and environment publication	
fee fund – health (264-00-2541-2190).....	No limit
<i>Provided</i> , That expenditures from the health and environment publication fee fund – health shall be made only for the purpose of paying the expenses of publishing documents as required by K.S.A. 75-5662, and amendments thereto.	
District coroners fund (264-00-2653-2320).....	No limit
Sponsored project overhead	
fund – health (264-00-2912-2710).....	No limit
Tuberculosis elimination and laboratory –	
federal fund (264-00-17-3559-3559).....	No limit
Maternity centers and child care facilities licensing	
fee fund (264-00-2731-2731).....	No limit
Child care and development block grant –	
federal fund (264-00-3028-3450).....	No limit
Federal supplemental funding for tobacco prevention and control –	
federal fund (264-00-3574-3574).....	No limit
Coordinated chronic disease prevention and health promotion program –	
federal fund (264-00-3575-3575).....	No limit
Office of rural health –	
federal fund (264-00-3031-3640).....	No limit
Emergency medical services for children –	
federal fund (264-00-3292-3292).....	No limit
Primary care offices –	
federal fund (264-00-3293-3293).....	No limit
Injury intervention –	
federal fund (264-00-3294-3294).....	No limit
Oral health workforce activities –	
federal fund (264-00-3297-3297).....	No limit
Rural hospital flex program –	
federal fund (264-00-3298-3298).....	No limit
Hospital bioterrorism preparedness –	
federal fund (264-00-3398-3398).....	No limit
Kansas coalition against sexual and domestic violence –	
federal fund (264-00-17-3907-3907).....	No limit
Migrant health –	
federal fund (264-00-3069-3070).....	No limit
ARRA collaborative component I –	
federal fund (264-00-3890-3891).....	No limit
ARRA collaborative component III –	
federal fund (264-00-17-3890-3892).....	No limit
ARRA ambulatory surgical center ASC/HAI medicare –	
federal fund (264-00-3486-3486).....	No limit
Medicare – federal fund (264-00-3064-3062).....	No limit
<i>Provided</i> , That transfers of moneys from the medicare – federal fund to the state fire	

marshal may be made during fiscal year 2020 pursuant to a contract, which is hereby authorized to be entered into by the secretary of health and environment and the state fire marshal to provide fire and safety inspections for hospitals.

Migrant health program –	
federal fund (264-00-3069-3070).....	No limit
Tuberculosis prevention – federal fund (264-00-3071-4610).....	No limit
Strengthen public health immunization infrastructure –	
federal fund (264-00-3568-3568).....	No limit
Healthy homes and lead poisoning prevention –	
federal fund (264-00-3572-3572).....	No limit
Children's mercy hospital lead program –	
federal fund (264-00-3152-3154).....	No limit
Women, infants and children health program –	
federal fund (264-00-3077-3103).....	No limit
Immunization and vaccines for children grants –	
federal fund (264-00-3747-3741).....	No limit
Home visiting grant –	
federal fund (264-00-3503-3503).....	No limit
Preventive health block grant –	
federal fund (264-00-3614-3200).....	No limit
Maternal and child health block grant –	
federal fund (264-00-3616-3210).....	No limit
National center for health statistics –	
federal fund (264-00-3617-3220).....	No limit
Title X family planning services program –	
federal fund (264-00-3622-3270).....	No limit
Comprehensive STD prevention systems –	
federal fund (264-00-3070-3080).....	No limit
Make a difference information network –	
federal fund (264-00-3234-3234).....	No limit
Ryan White title II –	
federal fund (264-00-3328-3310).....	No limit
Bicycle helmet distribution –	
federal fund (264-00-3815-3815).....	No limit
Bicycle helmet revolving fund (264-00-2575-2630).....	No limit
SSA fee fund (264-00-2269-2030).....	No limit
Childhood lead poisoning prevention program –	
federal fund (264-00-3296-3296).....	No limit
State implementation projects for prevention of secondary conditions –	
federal fund (264-00-3087-4405).....	No limit
Title IV-E – federal fund (264-00-3326-3900).....	No limit
HIV prevention projects –	
federal fund (264-00-3740-3521).....	No limit
HIV/AIDS surveillance –	
federal fund (264-00-3399-3399).....	No limit
Infants & toddlers Prt C –	
federal fund (264-00-3516-3171).....	No limit

Universal newborn hearing screening – federal fund (264-00-3459-3459).....	No limit
State loan repayment program – federal fund (264-00-3760-3755).....	No limit
Opt-out testing initiative – federal fund (264-00-3801-3801).....	No limit
Adult lead surveillance data – federal fund (264-00-3496-3496).....	No limit
Medical reserve corps contract – federal fund (264-00-3502-3502).....	No limit
Trauma fund (264-00-2513-2230).....	No limit
<i>Provided</i> , That expenditures may be made by the department of health and environment for fiscal year 2020 from the trauma fund of the department of health and environment – division of public health for the stroke prevention project: <i>Provided further</i> ; That expenditures from the trauma fund for official hospitality shall not exceed \$3,000.	
Homeland security – federal fund (264-00-3329-3319).....	No limit
Refugee assistance – federal fund (264-00-3378-3346).....	No limit
Personal responsibility education program – federal fund (264-00-3494-3494).....	No limit
Kansas vital records for quality improvement – federal fund (264-00-3098-3098).....	No limit
Kansas early detection works breast & cervical cancer screening services – federal fund (264-00-3099-3099).....	No limit
Kansas public health approaches for ensuring quitline capacity – federal fund (264-00-3097-3097).....	No limit
Diagnostic x-ray program – federal fund (264-00-3511-3160).....	No limit
HRSA small hospital improvement grant program – federal fund (264-00-3371-3371)	No limit
State indoor radon grant – federal fund (264-00-3884-3930).....	No limit
Gifts, grants and donations fund – health (264-00-7311-7090).....	No limit
Special bequest fund – health (264-00-7366-7050).....	No limit
Civil registration and health statistics fee fund (264-00-2291-2295).....	No limit
Power generating facility fee fund (264-00-2131-2130).....	No limit
Nuclear safety emergency preparedness special revenue fund (264-00-2415-2280).....	No limit
<i>Provided</i> , That all moneys received by the department of health and environment – division of public health from the nuclear safety emergency management fee fund (034-00-2081-2200) of the adjutant general shall be credited to the nuclear safety emergency preparedness special revenue fund of the department of health and environment –	

division of public health: *Provided further*, That expenditures from the nuclear safety emergency preparedness special revenue fund for official hospitality shall not exceed \$2,500.

Radiation control operations

fee fund (264-00-2531-2530).....No limit

Provided, That expenditures from the radiation control operations fee fund for official hospitality shall not exceed \$2,000.

Lead-based paint hazard

fee fund (264-00-2289-2140).....No limit

Strengthening public health infrastructure –

federal fund (264-00-3547-3547).....No limit

Improving minority health –

federal fund (264-00-3548-3548).....No limit

Abstinence education –

federal fund (264-00-3549-3549).....No limit

Affordable care act – federal fund (264-00-3546-3546).....No limit

Carbon monoxide detector/fire injury prevention –

federal fund (264-00-3508-3508).....No limit

Health information exchange –

federal fund (264-00-3493-3493).....No limit

Kansas newborn

screening fund (264-00-2027-2027).....No limit

Actions to prevent and control diabetes, heart disease, and obesity –

federal fund (264-00-3749-3742).....No limit

Healthy start initiative –

federal fund (264-00-3751-3751).....No limit

Immunization capacity building assistance –

federal fund (264-00-3744-3744).....No limit

Hospital preparedness and response program for Ebola –

federal fund (264-00-3033-3033).....No limit

CDC multipurpose grant

federal fund (264-00-3243-3243).....No limit

Kansas newborn screening information system

maintenance and enhancement

federal fund (264-00-3612-3612).....No limit

Lifting young families toward excellence

federal fund (264-00-3627-3627).....No limit

Cancer registry federal fund (264-00-3008-3040).....No limit

Hospital preparedness ebola –

federal fund (264-00-3093-3093).....No limit

Kansas survivor care quality initiative –

federal fund (264-00-3101-3610).....No limit

Zika birth defects surveillance & referral –

federal fund (264-00-3102-3620).....No limit

IDEA infant toddler-part C-ARRA –

federal fund (264-00-3282-3282).....No limit

SAMHSA project launch intv. –

federal fund (264-00-3284-3284).....	No limit
Immunization grant – federal fund (264-00-3372-3150).....	No limit
Small hospital improvement program –	
federal fund (264-00-3392-3392).....	No limit
Cardiovascular health program –	
federal fund (264-00-3401-3407).....	No limit
Kansas senior farmers market nutrition program –	
federal fund (264-00-3406-3406).....	No limit
Lead poisoning preventive health –	
federal fund (264-00-3626-4132).....	No limit
ARRA – WIC grants to states –	
federal fund (264-00-3750-3750).....	No limit
Census of trauma occp fatal. –	
federal fund (264-00-3797-3670).....	No limit
Homeland security grant-KHP –	
federal fund (264-00-3199-3199).....	No limit
Refugee health – federal fund (264-00-3393-3393).....	No limit
ARRA – migrant –	
federal fund (264-00-3396-3396).....	No limit
ARRA – transfer from SRS –	
federal fund (264-00-3471-3471).....	No limit
Public health crisis response –	
federal fund (264-00-3602-3602).....	No limit
Diabetes & heart disease &	
stroke prevention programs –	
federal fund (264-00-3603-3603).....	No limit
Innovative state & local public health	
strategies to prevent & manage	
diabetes and heart disease and stroke –	
federal fund (264-00-3604-3604).....	No limit
Kansas actions to improve oral health outcomes –	
federal fund (264-00-3921-3921).....	No limit
ARRA – survey, licensure and epidemiology –	
federal fund (264-00-3746-3746).....	No limit
Campus sexual assault prevention grant –	
federal fund (264-00-3035-3035).....	No limit
Alzheimer's association inclusion –	
federal fund.....	No limit
ESSA preschool development grants birth through	
five – federal fund.....	No limit
Right-to-know	
fee fund (264-00-2325-2325).....	No limit
Child care criminal background and	
fingerprint fund (264-00-2313-2313).....	No limit

(c) On July 1, 2019, and on other occasions during fiscal year 2020, when necessary as determined by the secretary of health and environment, the director of accounts and reports shall transfer amounts specified by the secretary of health and

environment that constitute reimbursements, credits and other amounts received by the department of health and environment for activities related to federal programs from specified special revenue funds of the department of health and environment – division of public health or of the department of health and environment – division of environment to the sponsored project overhead fund – health (264-00-2912-2715) of the department of health and environment – division of public health.

(d) During the fiscal year ending June 30, 2020, the director of accounts and reports shall transfer an amount or amounts specified by the secretary of health and environment from any one or more special revenue funds of the department of health and environment – division of public health that have available moneys to the sponsored project overhead fund – health (264-00-2912-2710) of the department of health and environment – division of public health for expenditures, as the case may be, for administrative expenses.

(e) In addition to the other purposes for which expenditures may be made by the department of health and environment – division of public health from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2019 regular session of the legislature, expenditures may be made by the department of health and environment – division of public health from such moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 for up to four full-time equivalent positions in the unclassified service under the Kansas civil service act in the division of public health: *Provided*, That, notwithstanding the provisions of K.S.A. 75-2935, and amendments thereto, or any other statute, all such additional full-time equivalent positions in the unclassified service under the Kansas civil service act shall be in addition to other positions within the department of health and environment in the unclassified service, as prescribed by law, and shall be established by the secretary of health and environment within the position limitation established for the department of health and environment on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for fiscal year 2020 made by this or other appropriation act of the 2019 regular session of the legislature: *Provided, however*, That the authority to establish such additional positions in the unclassified service shall not affect the classified service status of any person who is an employee of the department of health and environment in the classified service under the Kansas civil service act.

(f) During the fiscal year ending June 30, 2020, the amounts transferred by the director of accounts and reports from each of the special revenue funds of the department of health and environment – division of public health to the sponsored project overhead fund – health (264-00-2912-2710) of the department of health and environment – division of public health pursuant to this section may include amounts not to exceed 25% of the expenditures from such special revenue fund or funds, excepting expenditures for contractual services.

(g) During the fiscal year ending June 30, 2020, the secretary of health and environment, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2020 from the state general fund for the department of health and environment – division of public health or the department of health and environment – division of environment to another item of appropriation for

fiscal year 2020 from the state general fund for the department of health and environment – division of public health or the department of health and environment – division of environment. The secretary of health and environment shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(h) In addition to the other purposes for which expenditures may be made by the department of health and environment – division of public health from moneys appropriated from the district coroners fund for fiscal year 2020, as authorized by this or other appropriation act of the 2019 regular session of the legislature, and notwithstanding the provisions of K.S.A. 22a-245, and amendments thereto, or any other statute, expenditures may be made by the department of health and environment – division of public health from such moneys appropriated from the district coroners fund (264-00-2653-2320) of the department of health and environment – division of public health for fiscal year 2020 pursuant to K.S.A. 22a-242, and amendments thereto.

(i) On July 1, 2019, the director of accounts and reports shall transfer \$200,000 from the health care stabilization fund (270-00-7404-2100) of the health care stabilization fund board of governors to the health facilities review fund (264-00-2505-2250) of the department of health and environment – division of public health for the purpose of financing a review of records of licensed medical care facilities and an analysis of quality of health care services provided to assist in correcting substandard services and to reduce the incidence of liability resulting from the rendering of health care services and implementing the risk management provisions of K.S.A. 65-4922 et seq., and amendments thereto.

(j) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2020, the following:

- Healthy start (264-00-2000-2105).....\$250,000
Provided, That any unencumbered balance in the healthy start account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.
- Infants and toddlers program (264-00-2000-2107).....\$5,800,000
Provided, That any unencumbered balance in the infants and toddlers program account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.
- Smoking prevention (264-00-2000-2109).....\$1,001,960
Provided, That any unencumbered balance in the smoking prevention account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.
- Newborn hearing aid
 loaner program (264-00-2000-2113).....\$50,773
Provided, That any unencumbered balance in the newborn hearing aid loaner program account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.
- SIDS network grant (264-00-2000-2115).....\$96,374
Provided, That any unencumbered balance in the SIDS network grant account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(k) In addition to the other purposes for which expenditures may be made by the department of health and environment – division of public health during fiscal year 2020 from moneys appropriated from the state general fund or any special revenue fund or funds by this or any other appropriation act of the 2019 regular session of the

legislature, expenditures shall be made from such moneys to contract for the services of one or more persons to survey and certify dialysis treatment facilities located in the state of Kansas: *Provided*, That, if the above agency has not surveyed a newly constructed dialysis treatment facility within one year after the operator of the facility notifies the above agency that the facility is operational, then the above agency may charge the cost of any survey performed on the facility to the operator of such facility: *Provided further*, That any expenditure of moneys and any survey conducted pursuant to this subsection shall comply with requirements imposed by federal law.

(l) On July 1, 2019, the ARRA migrant health – federal fund (264-00-3069-3070) of the department of health and environment – division of public health is hereby redesignated as the migrant health – federal fund of the department of health and environment – division of public health.

Sec. 80.

DEPARTMENT OF HEALTH AND ENVIRONMENT –
DIVISION OF HEALTH CARE FINANCE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Health policy

operating expenditures (264-00-1000-0010).....\$2,222,103

(b) On the effective date of this act, of the \$162,197,716 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 68(a) of chapter 109 of the 2018 Session Laws of Kansas from the state general fund in the other medical assistance account (264-00-1000-3026), the sum of \$23,303,110 is hereby lapsed.

(c) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue funds or funds for fiscal year 2019 by chapter 104 of the 2017 Session Laws of Kansas, chapter 109 of the 2018 Session Laws of Kansas, this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys to implement, and require any managed care organization providing state medicaid services under the Kansas medical assistance program to implement, a policy to provide at least a 60-day admission for individuals requiring inpatient treatment in a psychiatric residential treatment facility, as determined by a managed care organization providing state medicaid services under the Kansas medical assistance program, without imposing any prior authorization requirements to receive such admission or treatment.

(d) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 by chapter 104 of the 2017 Session Laws of Kansas, chapter 109 of the 2018 Session Laws of Kansas, this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys to report to the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight the details of a contract or contract amendment with Maximus or any other eligibility processing contractor during fiscal year 2019.

(e) During the fiscal year ending June 30, 2019, in addition to the other purposes

for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 by chapter 104 of the 2017 Session Laws of Kansas, chapter 109 of the 2018 Session Laws of Kansas, this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys to provide a quarterly report to the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight at each committee meeting during fiscal year 2019 on the progress by the agency on the eligibility backlog processing.

(f) On the effective date of this act, during the fiscal year ending June 30, 2019, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 by chapter 104 of the 2017 Session Laws of Kansas, chapter 109 of the 2018 Session Laws of Kansas, this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys to pay hospitals and physicians at the medicaid rate established in fiscal year 2019: *Provided further*, That such rate shall not be adjusted prior to the first day of the first calendar quarter following approval by the United States centers for medicare and medicaid services of the health care access improvement program hospital provider assessment rate passed by the legislature during the 2019 regular session and enacted into law.

(g) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 by chapter 104 of the 2017 Session Laws of Kansas, chapter 109 of the 2018 Session Laws of Kansas, this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys to provide a quarterly report to the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight at each committee meeting during fiscal year 2019, detailing the following: (1) The total number of members waiting for a psychiatric residential treatment facility (PRTF) placement; (2) the average, minimum, and maximum number of days MCO members have been waiting for the PRTF placement; (3) the average, minimum, and maximum information regarding the length of stay for MCO members in PRTF placements; and (4) the number and reasons for denials of PRTF placement in fiscal year 2019: *Provided*, That such quarterly report shall be provided to the house of representatives committee on appropriations and the senate committee on ways and means.

(h) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 by chapter 104 of the 2017 Session Laws of Kansas, chapter 109 of the 2018 Session Laws of Kansas, this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys to implement analytical and publicly available reporting that is compliant with the privacy rule of the administrative

simplification subtitle of the health insurance portability and accountability act of 1996 (Pub. L. No. 104-191), and any federal regulations adopted thereunder, to measure outcomes and effectiveness of the health homes program known as onecare Kansas and to assist providers with the provisions of the health homes program.

(i) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 by chapter 104 of the 2017 Session Laws of Kansas, chapter 109 of the 2018 Session Laws of Kansas, this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys to submit to the United States centers for medicare and medicaid services a waiver request to allow for medicaid reimbursement for inpatient psychiatric acute care.

(j) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 by chapter 104 of the 2017 Session Laws of Kansas, chapter 109 of the 2018 Session Laws of Kansas, this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys to facilitate a detailed review of the costs and reimbursement rates for behavioral health services in the state of Kansas, including mental health and substance use disorder treatment, during fiscal year 2019.

(k) On the effective date of this act, the \$6,000,000 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 68(a) of chapter 109 of the 2018 Session Laws of Kansas from the state general fund in the evidence based juvenile programs account, is hereby lapsed.

(l) During the fiscal years ending June 30, 2019, and June 30, 2020, notwithstanding the provisions of K.S.A. 65-6208, and amendments thereto, or any other statute to the contrary, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal years 2019 and 2020 as authorized by chapter 104 of the 2017 Session Laws of Kansas, chapter 109 of the 2018 Session Laws of Kansas, this or other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by such agency from such moneys during fiscal years 2019 and 2020 to submit to the United States centers for medicare and medicaid services an approval request to increase the hospital provider assessment rate to 3%, to include hospital outpatient operating revenue in the hospital provider assessment and to base such assessment on each hospital's fiscal year 2016: *Provided further*, That the department of health and environment shall cause notice of such approval by the United States centers for medicare and medicaid services to be published in the Kansas register: *And provided further*, That the changes to the hospital provider assessment described in this subsection shall take effect on and after January 1 or July 1 immediately following such publication: *And provided further*, That, after such date, no additional moneys appropriated from the state general fund shall be expended to support rate enhancements under the hospital provider assessment.

Sec. 81.

DEPARTMENT OF HEALTH AND ENVIRONMENT –
DIVISION OF HEALTH CARE FINANCE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Health policy operating expenditures (264-00-1000-0010).....\$15,557,071

Provided, That any unencumbered balance in the health policy operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures shall be made from the health policy operating expenditures account of the above agency for the drug utilization review board to perform an annual review of the approved exemptions to the current single source limit by program.

Children's health insurance program (264-00-1000-0060).....\$22,388,662

Provided, That any unencumbered balance in the children's health insurance program in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Other medical assistance (264-00-1000-3026).....\$691,755,078

Provided, That any unencumbered balance in the other medical assistance account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures may be made from the other medical assistance account by the above agency for the purpose of implementing or expanding any prior authorization project: *And provided further*, That an evaluation of the automated implementation, savings obtained from implementation, and other outcomes of the implementation or expansion shall be submitted to the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight prior to the start of the regular session of the legislature in 2020.

Wichita center for graduate medical education (264-00-1000-3027).....\$2,950,000

Provided, That any unencumbered balance in the Wichita center for graduate medical education account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Graduated medical education (264-00-1000-3028).....\$1,300,000

Provided, That any unencumbered balance in the graduated medical education account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Preventive health care program fund (264-00-2556-2550).....\$497,249

Cafeteria benefits fund (264-00-7720-9002).....No limit

Provided, That expenditures from the cafeteria benefits fund for the fiscal year ending June 30, 2020, for salaries and wages and other operating expenditures shall not exceed \$2,546,915.

State workers compensation self-insurance fund (264-00-6170-6170).....No limit

Provided, That expenditures from the state workers compensation self-insurance fund

for the fiscal year ending June 30, 2020, for salaries and wages and other operating expenditures shall not exceed \$4,680,644.

Dependent care assistance

program fund (264-00-7740-7799).....No limit

Provided, That expenditures from the dependent care assistance program fund for the fiscal year ending June 30, 2020, for salaries and wages and other operating expenditures shall not exceed \$626,909.

Non-state employer group

benefit fund (264-00-7707-7710).....\$143,539

Division of health care finance special

revenue fund (264-00-2360-2350).....No limit

Provided, That expenditures from the division of health care finance special revenue fund for the fiscal year ending June 30, 2020, for official hospitality shall not exceed \$1,000.

Health committee

insurance fund (264-00-2569-2500).....No limit

Health care database

fee fund (264-00-2578-2570).....No limit

Association assistance

plan fund (264-00-2391-2391).....No limit

Medical programs fee fund (264-00-2395-0110).....\$75,776,935

Medical assistance fee fund (264-00-2185-2185).....No limit

Health benefits administration clearing fund – remit admin

service org (264-00-7746-7746).....No limit

Provided, That expenditures from the health benefits administration clearing fund – remit admin service org for the fiscal year ending June 30, 2020, for salaries and wages and other operating expenditures shall not exceed \$11,005,000.

Health insurance premium

reserve fund (264-00-7350-7350).....No limit

Other state fees fund (264-00-2440-0100).....No limit

Health care access

improvement fund (264-00-2443-2215).....No limit

Children's health insurance program

federal fund (264-00-3424-0540).....No limit

State planning – health care –

uninsured fund (264-00-3483-3483).....No limit

HIV care formula grant

federal fund (264-00-3328-3311).....No limit

Medical assistance program

federal fund (264-00-3414-0440).....No limit

Quality based community

assessment fund (264-00-2760-2760).....No limit

KEES interagency

transfer fund (264-00-17-6001-6001).....No limit

Energy assistance

block grant (264-00-3305-3305).....No limit

Temporary assistance for

needy families (264-00-3323-3530).....No limit
 Title IV-E – adoption
 assistance (264-00-3357-3357).....No limit

(c) During the fiscal year ending June 30, 2020, any moneys donated or granted to the division of health care finance of the department of health and environment and any federal funds received as match to such donations or grants by the division of health care finance of the department of health and environment for the fiscal year ending June 30, 2020, shall only be expended by the division of health care finance of the department of health and environment to assist the clearinghouse in reducing any backlogs or waiting lists, unless otherwise specified by the donor or grantor: *Provided*, That any donated or granted moneys, and the matching moneys received therefor from the federal centers for medicare and medicaid services, shall not be used to supplant or replace funds already budgeted for the clearinghouse or to restore any other reductions in funding to the clearinghouse or the agency, unless otherwise specified by the donor or grantor.

(d) During the fiscal year ending June 30, 2020, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 by this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys to implement and require any managed care organization providing state medicaid services under the Kansas medical assistance program to implement a policy to provide at least a 60-day admission for individuals requiring inpatient treatment in a psychiatric residential treatment facility, as determined by a managed care organization providing state medicaid services under the Kansas medical assistance program, without imposing any prior authorization requirements to receive such admission or treatment.

(e) During the fiscal year ending June 30, 2020, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 by this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys to report to the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight the details of a contract or contract amendment with Maximus or any other eligibility processing contractor during fiscal year 2020.

(f) During the fiscal year ending June 30, 2020, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 by this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys to provide a quarterly report to the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight at each committee meeting during fiscal year 2020 on the progress by the agency on the eligibility backlog processing.

(g) During the fiscal year ending June 30, 2020, in addition to the other purposes for which expenditures may be made by the department of health and environment –

division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 by this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys to pay hospitals and physicians at the medicaid rate established in fiscal year 2020: *Provided further*, That such rate shall not be adjusted prior to the first day of the first calendar quarter following approval by the United States centers for medicare and medicaid services of the health care access improvement program hospital provider assessment rate passed by the legislature during the 2020 regular session and enacted into law.

(h) During the fiscal year ending June 30, 2020, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 by this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys to set the monthly protected income level for purposes of determining the person's client obligation at an amount of \$1,177 per month in fiscal year 2020 for any person in Kansas receiving home and community-based services administered under section 1915(c) of the federal social security act and any person in Kansas receiving services from a program of all-inclusive care for the elderly administered by the Kansas department for aging and disability services.

(i) During the fiscal year ending June 30, 2020, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 by this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys to provide a quarterly report to the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight at each committee meeting during fiscal year 2020, detailing the following: (1) The total number of members waiting for a psychiatric residential treatment facility (PRTF) placement; (2) the average, minimum, and maximum number of days MCO members have been waiting for the PRTF placement; (3) the average, minimum, and maximum information regarding the length of stay for MCO members in PRTF placements; and (4) the number and reasons for denials of PRTF placement in fiscal year 2020: *Provided*, That such quarterly report shall be provided to the house of representatives committee on appropriations and the senate committee on ways and means.

(j) During the fiscal year ending June 30, 2020, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 by this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys to implement analytical and publicly available reporting that is compliant with the privacy rule of the administrative simplification subtitle of the health insurance portability and accountability act of 1996 (Pub. L. No. 104-191), and any federal regulations adopted thereunder, to measure outcomes and effectiveness of the health homes program known as onecare Kansas and to assist providers with the provisions of the health homes program.

(k) During the fiscal year ending June 30, 2020, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 by this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys to facilitate a detailed review of the costs and reimbursement rates for behavioral health services in the state of Kansas, including mental health and substance use disorder treatment, during fiscal year 2020: *Provided*, That the above agency shall submit a report of such review, including review of fiscal years 2019 and 2020, to the house of representatives committee on social services budget and the social services subcommittee of the senate committee on ways and means during January 2020.

(l) During the fiscal year ending June 30, 2020, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 by this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys to submit to the United States centers for medicare and medicaid services a waiver request to allow for medicaid reimbursement for inpatient psychiatric acute care.

Sec. 82.

DEPARTMENT OF HEALTH AND ENVIRONMENT –
DIVISION OF ENVIRONMENT

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Volkswagen environmental
fund (264-00-7269-7269)..... No limit

Sec. 83.

DEPARTMENT OF HEALTH AND ENVIRONMENT –
DIVISION OF ENVIRONMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Operating expenditures (including official
hospitality) (264-00-1000-0300).....\$4,280,523

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Mined-land conservation and reclamation
fee fund (264-00-2233-2220).....No limit

Solid waste
management fund (264-00-2271-2075).....No limit

Provided, That expenditures may be made from the solid waste management fund during the fiscal year ending June 30, 2020, for official hospitality: *Provided further*, That such expenditures for official hospitality shall not exceed \$2,500.

- Public water supply
 - fee fund (264-00-2284-2085).....No limit
- Voluntary cleanup fund (264-00-2288-2120).....No limit
- Storage tank fee fund (264-00-2293-2090).....No limit
- Air quality fee fund (264-00-2020-2830).....No limit
- Hazardous waste
 - collection fund (264-00-2099-2010).....No limit
- Health and environment training fee fund –
 - environment (264-00-2175-2170).....No limit

Provided, That expenditures may be made from the health and environment training fee fund – environment for acquisition and distribution of division of environment program literature and films and for participation in or conducting training seminars for training employees of the division of environment of the department of health and environment, for training recipients of state aid from the division of environment of the department of health and environment and for training representatives of industries affected by rules and regulations of the department of health and environment relating to the division of environment: *Provided further*, That the secretary of health and environment is hereby authorized to fix, charge and collect fees in order to recover costs incurred for such acquisition and distribution of literature and films and for the operation of such seminars: *And provided further*, That such fees may be fixed in order to recover all or part of such costs: *And provided further*, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the health and environment training fee fund – environment: *And provided further*, That, in addition to the other purposes for which expenditures may be made by the department of health and environment for the division of environment from moneys appropriated from the health and environment training fee fund – environment for fiscal year 2020, expenditures may be made by the department of health and environment from the health and environment training fee fund – environment for fiscal year 2020 for agency operations for the division of environment.

- Driving under the
 - influence fund (264-00-2101-2020).....No limit
- Waste tire management fund (264-00-2635-2820).....No limit
- Health and environment publication fee fund –
 - environment (264-00-2544-2195).....No limit

Provided, That expenditures from the health and environment publication fee fund – environment shall be made only for the purpose of paying the expenses of publishing documents as required by K.S.A. 75-5662, and amendments thereto.

- Local air quality control authority regulation
 - services fund (264-00-2657-2330)No limit
- Environmental
 - response fund (264-00-2662-2400).....No limit
- Sponsored project overhead
 - fund – environment (264-00-2911-2720).....No limit

Chemical control fee fund (264-00-2212-2360).....	No limit
Quantiferon TB	
laboratory fund (264-00-2458-2460).....	No limit
Resource conservation and recovery act –	
federal fund (264-00-3586-3190).....	No limit
Water supply – federal fund (264-00-3295-3130).....	No limit
Air quality section 103 –	
federal fund (264-00-3248-3246).....	No limit
EPA – core support –	
federal fund (264-00-3040-3000).....	No limit
Network exchange grant –	
federal fund (264-00-3267-3267).....	No limit
Kansas clean diesel grant –	
federal fund (264-00-3249-3250).....	No limit
Air quality program –	
federal fund (264-00-3072-3090).....	No limit
Section 106 monitoring initiative –	
federal fund (264-00-3619-3240).....	No limit
Air quality section 105 –	
federal fund (264-00-3249-3249).....	No limit
Leaking underground storage tank trust –	
federal fund (264-00-3812-3700).....	No limit
Surface mining control and reclamation act –	
federal fund (264-00-3820-3760).....	No limit
Abandoned mined-land –	
federal fund (264-00-3821-3770).....	No limit
Department of defense and state cooperative agreement –	
federal fund (264-00-3067-3031).....	No limit
EPA non-point source –	
federal fund (264-00-3889-3940).....	No limit
Pollution prevention program –	
federal fund (264-00-3908-3990).....	No limit
EPA water monitoring –	
federal fund (264-00-3086-4200).....	No limit
Gifts, grants and donations	
fund – environment (264-00-7314-7095).....	No limit
Special bequest fund –	
environment (264-00-7367-7040).....	No limit
Aboveground petroleum storage tank release	
trust fund (264-00-7398-7070).....	No limit
Underground petroleum storage tank release	
trust fund (264-00-7399-7060).....	No limit
Drycleaning facility release	
trust fund (264-00-7407-7250).....	No limit
Public water supply	
loan fund (264-00-7539-7800).....	No limit
Public water supply loan	

operations fund (264-00-3295-3295).....	No limit
Kansas water pollution control revolving fund (264-00-7530-7400).....	No limit
<i>Provided, That the proceeds from revenue bonds issued by the Kansas development finance authority to provide matching grant payments under the federal clean water act of 1987 (P.L. 92-500) shall be credited to the Kansas water pollution control revolving fund: Provided further, That expenditures from this fund shall be made to provide for the payment of such matching grants.</i>	
Kansas water pollution control operations fund (264-00-7960-8300).....	No limit
Cost of issuance fund for Kansas water pollution control revolving fund revenue bonds (264-00-7531-7600).....	No limit
Surcharge fund for Kansas water pollution control revolving fund revenue bonds (264-00-7539-7805).....	No limit
Surcharge operations fund for Kansas water pollution control revolving fund revenue bonds (264-00-7531-7620).....	No limit
Subsurface hydrocarbon storage fund (264-00-2228-2380).....	No limit
Natural resources damages trust fund (264-00-7265-7265).....	No limit
Hazardous waste management fund (264-00-2519-2290).....	No limit
Brownfields revolving loan program – federal fund (264-00-3278-3278).....	No limit
Mined-land reclamation fund (264-00-2685-2560).....	No limit
Operator outreach training program – federal fund (264-00-3259-3259).....	No limit
Underground storage tank – federal fund (264-00-3732-3510).....	No limit
EPA underground injection control – federal fund (264-00-3295-3288).....	No limit
Laboratory medicaid cost recovery fund – environment (264-00-2092-2060).....	No limit
EPA state response program – federal fund (264-00-3370-3915).....	No limit
Environmental use control fund (264-00-2292-2310).....	No limit
Environmental response remedial activity specific sites – federal fund (264-00-3040-3003).....	No limit
Emergency environmental response – nonspecific sites federal fund (264-00-3067-3030).....	No limit
Medicare program – environment – federal fund (264-00-3096-3050).....	No limit
EPA pollution prevention – federal fund (264-00-3619-3240).....	No limit
Inspections Kansas infrastructure projects –	

federal fund (264-00-3910-3950).....	No limit
Salt solution mining well	
plugging fund (264-00-2247-2390).....	No limit
Water program	
management fund (264-00-2798-2798).....	No limit
UST redevelopment fund (264-00-7397-7080).....	No limit
Office of laboratory services	
operating fund (264-00-2161-2161).....	No limit
Risk management fund (264-00-7402-7402).....	No limit
Intoxilyzer replacement –	
federal fund (264-00-3092-3092).....	No limit
Environmental	
stewardship fund (264-00-17-7396-7096).....	No limit
EPA multi-purpose grant –	
federal fund (264-00-3103-3630).....	No limit
Volkswagen environmental fund (264-00-7269-7269).....	No limit
USDA conservation partnership –	
federal fund (264-00-3022-3022).....	No limit
Environmental response –	
federal fund (264-00-3066-3010).....	No limit
Other federal grants –	
federal fund (264-00-3095-5450).....	No limit
Other federal grants –	
federal fund (264-00-3095-5450).....	No limit
Alcohol impaired driving	
countermeasures incentive grants –	
federal fund (264-00-3247-3247).....	No limit
Air quality program –	
federal fund (264-00-3253-3253).....	No limit
Water related grants –	
federal fund (264-00-3254-3260).....	No limit
EPA nonpoint source implementation –	
federal fund (264-00-3915-3915).....	No limit
Water protection state grants –	
federal fund (264-00-3264-3264).....	No limit
Multi-media capacity building –	
federal fund (264-00-3277-3277).....	No limit
Health watershed initiative –	
federal fund (264-00-3558-3558).....	No limit
Small employer cafeteria plan	
development program (264-00-2386-2382).....	No limit
Environmental response RMDL act –	
federal fund (264-00-3005-3010).....	No limit
Ticket to work grant –	
federal fund (264-00-3417-4367).....	No limit
Demo to maintenance-indep. employer –	
federal fund (264-00-3419-3419).....	No limit

EPA underground injection control – federal fund (264-00-3618-3230).....	No limit
104G outreach training program – federal fund (264-00-3722-3500).....	No limit
Brownfields revolving loan program fund (264-00-7526-7103).....	No limit
Certification of environmental liability fund (264-00-7527-7230).....	No limit
P/C safety net clinic loan guarantee fund (264-00-7551-7595).....	No limit
KWPC surcharge services fees (264-00-7961-8400).....	No limit
KPWS Revolving Fund (264-00-7968-8500).....	No limit
KPWS surcharge service fees (264-00-7969-8600).....	No limit

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2020, for the state water plan project or projects specified as follows:

Contamination remediation (264-00-1800-1802).....\$1,088,301

Provided, That any unencumbered balance in the contamination remediation account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

TMDL initiatives and use

attainability analysis (264-00-1800-1805).....\$278,029

Provided, That any unencumbered balance in the TMDL initiatives and use attainability analysis account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Watershed restoration and

protection plan (264-00-1800-1808).....\$730,884

Provided, That any unencumbered balance in the watershed restoration and protection plan account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Nonpoint source program (264-00-1800-1804).....\$303,208

Provided, That any unencumbered balance in the nonpoint source program account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Milford and Marion reservoirs harmful algae

bloom pilot (264-00-1800-1810).....\$450,000

Provided, That any unencumbered balance in the Milford and Marion reservoirs harmful algae bloom pilot account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Drinking water protection.....\$350,000

(d) During the fiscal year ending June 30, 2020, the secretary of health and environment, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2020 from the state water plan fund for the department of health and environment – division of environment to another item of appropriation for fiscal year 2020 from the state water plan fund for the department of health and environment – division of environment: *Provided*, That the secretary of health and environment shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative

research, the chairperson of the house of representatives agriculture and natural resources budget committee and the chairperson of the subcommittee on health and environment/human resources of the senate committee on ways and means.

(e) During the fiscal year ending June 30, 2020, notwithstanding the provisions of K.S.A. 65-3024, and amendments thereto, the director of accounts and reports shall not make the transfers of amounts of interest earnings from the state general fund to the air quality fee fund (264-00-2020-2830) of the department of health and environment, which are directed to be made on or before the 10th day of each month by K.S.A. 65-3024, and amendments thereto.

(f) On July 1, 2019, and on other occasions during fiscal year 2020 when necessary, the director of accounts and reports shall transfer amounts specified by the secretary of health and environment that constitute reimbursements, credits and other amounts received by the department of health and environment for activities related to federal programs, from specified special revenue fund or funds of the department of health and environment – division of public health or of the department of health and environment – division of environment, to the sponsored project overhead fund – environment (264-00-2911-2720) of the department of health and environment – division of environment.

(g) During the fiscal year ending June 30, 2020, the director of accounts and reports shall transfer an amount or amounts specified by the secretary of health and environment from any one or more special revenue fund or funds of the department of health and environment – division of environment that have available moneys to the sponsored project overhead fund – environment (264-00-2911-2720) of the department of health and environment – division of environment or to the sponsored project overhead fund – health (264-00-2912-2710) of the department of health and environment – division of public health, as the case may be, for expenditures for administrative expenses.

(h) During the fiscal year ending June 30, 2020, the secretary of health and environment, with approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2020 from the state general fund for the department of health and environment – division of public health or the department of health and environment – division of environment to another item of appropriation for fiscal year 2020 from the state general fund for the department of health and environment – division of public health or the department of health and environment – division of environment. The secretary of health and environment shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(i) During the fiscal year ending June 30, 2020, the amounts transferred by the director of accounts and reports from each of the special revenue funds of the department of health and environment – division of environment to the sponsored project overhead fund – environment (264-00-2911-2720) of the department of health and environment – division of environment pursuant to this section may include amounts equal to not more than 25% of the expenditures from such special revenue fund, excepting expenditures for contractual services.

Sec. 84.

KANSAS DEPARTMENT FOR
AGING AND DISABILITY SERVICES

(a) There is appropriated for the above agency from the state general fund for the

fiscal year ending June 30, 2019, the following:

LTC – medicaid		
assistance – NF (039-00-1000-0520).....	\$33,935,484	
<i>Provided</i> , That expenditures shall be made from the LTC – medicaid assistance – NF		
account of the above agency for the Kansas department for aging and disability services		
and the department of health and environment to make applications and modifications,		
no later than July 1, 2019, to the current traumatic brain injury home and community-		
based services medicaid waiver program in accordance with the provisions of section		
117 of chapter 109 of the 2018 Session Laws of Kansas and also to restore the		
unduplicated waiver slot count to 723 and lower such waiver's entry age to birth and		
add acquired brain injuries to such waiver while setting the financial eligibility		
requirements for children under 18 to be the same as the Kansas serious emotional		
disturbance waiver.		
Kansas neurological institute –		
operating expenditures (363-00-1000-0303).....	\$853,494	
Larned state hospital –		
operating expenditures (410-00-1000-0103).....	\$871,031	
Osawatomic state hospital –		
operating expenditures (494-00-1000-0100).....	\$4,314,366	
Osawatomic state hospital – certified		
care expenditures (494-00-1000-0101).....	\$1,122,529	
Parsons state hospital and training center –		
operating expenditures (507-00-1000-0100).....	\$951,224	
Administration - assessments (039-00-1000-0210).....		\$38,646
Community mental health centers		
supplemental funding (039-00-1000-3001).....	\$1,885,000	
Community aid (039-00-1000-3004).....		\$646,304

(b) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2019, for the capital improvements project or projects specified, the following:

Isaac Ray UPS.....	\$54,405
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(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the Larned state hospital fee fund (410-00-2073-2100) of the Kansas department for aging and disability services is hereby decreased from \$3,961,931 to \$3,946,301.

(d) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 72(k) of chapter 109 of the 2018 Session Laws of Kansas on the Osawatomic state hospital fee fund (494-00-2079-4200) of the Kansas department for aging and disability services is hereby decreased from \$840,706 to \$716,362.

(e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the Osawatomic state hospital certified care fund (494-00-2079-4201) of the Kansas department for aging and disability services is hereby decreased from \$2,664,025 to \$2,207,525.

(f) On the effective date of this act, the expenditure limitation established for the

fiscal year ending June 30, 2019, by the state finance council by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the problem gambling and addictions grant fund (039-00-2371-2371) of the Kansas department for aging and disability services is hereby decreased from \$6,829,101 to \$6,825,996.

(g) Notwithstanding the provisions of K.S.A. 2018 Supp. 75-5958, and amendments thereto, or any other statute, and subject to appropriations, the secretary for aging and disability services may provide rate increases for nursing facilities for fiscal year 2019.

(h) On the effective date of this act, of the \$3,845,751 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 186(a) of chapter 104 of the 2017 Session Laws of Kansas from the state institutions building fund in the debt service – new state security hospital account (039-00-8100-8320), the sum of \$3,878 is hereby lapsed.

(i) On the effective date of this act, of the \$2,602,200 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 186(a) of chapter 104 of the 2017 Session Laws of Kansas from the state institutions building fund in the debt service – state hospitals rehabilitation and repair account (039-00-8100-8325), the sum of \$106 is hereby lapsed.

(j) On the effective date of this act, any unencumbered balance in each of the following capital improvement accounts of the state institutions building fund is hereby lapsed: Kansas neurological institute – energy conservation improvement debt service (363-00-8100-8000).

Sec. 85.

KANSAS DEPARTMENT FOR
AGING AND DISABILITY SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

RSI crisis center base services (039-00-1000-0110).....	\$3,576,100
Comcare crisis center base services (039-00-1000-0120).....	\$1,300,000
Valeo crisis center base services (039-00-1000-0130).....	\$500,000
Salina crisis center base services (039-00-1000-0140).....	\$85,000
Administration official hospitality (039-00-1000-0204).....	\$1,748

Provided, That any unencumbered balance in the administration official hospitality account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Administration – assessments (039-00-1000-0210).....	\$458,164
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Provided, That any unencumbered balance in the administration – assessments account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Senior care act (039-00-1000-0260).....	\$2,515,000
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Provided, That any unencumbered balance in the senior care act account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*; That each grant agreement with an area agency on aging for a grant from the senior care act account shall require the area agency on aging to submit to the secretary for aging and disability services a report for fiscal year 2019 by the area agency on aging, which shall include information about the kinds of services provided and the

number of persons receiving each kind of service during fiscal year 2019: *And provided further*; That the secretary for aging and disability services shall submit to the senate committee on ways and means and the house of representatives committee on appropriations at the beginning of the 2020 regular session of the legislature a report of the information contained in such reports from the area agencies on aging on expenditures for fiscal year 2019: *And provided further*; That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this account shall be placed in appropriate services that are determined to be the most economical services available with regard to state general fund expenditures.

Program grants – nutrition –
state match (039-00-1000-0280).....\$4,045,725

Provided, That any unencumbered balance in the program grants – nutrition – state match account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*; That each grant agreement with an area agency on aging for a grant from the program grants – nutrition – state match account shall require the area agency on aging to submit to the secretary for aging and disability services a report for federal fiscal year 2019 by the area agency on aging, which shall include information about the kinds of services provided and the number of persons receiving each kind of service during federal fiscal year 2019: *And provided further*; That the secretary for aging and disability services shall submit to the senate committee on ways and means and the house of representatives committee on appropriations at the beginning of the 2020 regular session of the legislature a report of the information contained in such reports from the area agencies on aging on expenditures for federal fiscal year 2019: *And provided further*; That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this account shall be placed in appropriate services that are determined to be the most economical services available with regard to state general fund expenditures.

LTC – medicaid assistance –
NF (039-00-1000-0520).....\$8,290,926

Provided, That any unencumbered balance in the LTC – medicaid assistance – NF account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Nursing facilities regulation (039-00-1000-0710).....\$1,157,528

Provided, That any unencumbered balance in the nursing facilities regulation account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Nursing facilities regulation –
title XIX (039-00-1000-0712).....\$1,534,675

Provided, That any unencumbered balance in the nursing facilities regulation – title XIX account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

State operations (039-00-1000-0801).....\$13,924,173

Provided, That any unencumbered balance in the state operations account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*; That expenditures may be made from this account for the purchase of professional liability insurance for physicians and dentists at any institution, as defined by K.S.A. 76-12a01, and amendments thereto.

Alcohol and drug abuse

services grants (039-00-1000-1010).....\$2,814,285
Provided, That any unencumbered balance in the alcohol and drug abuse services grants account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Mental health and intellectual disabilities aid
 and assistance (039-00-1000-4001).....\$8,474,923
Provided, That any unencumbered balance in the mental health and intellectual disabilities aid and assistance account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Community mental health centers supplemental
 funding (039-00-1000-3001).....\$28,995,993
Provided, That any unencumbered balance in the community mental health centers supplemental funding account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Community aid (039-00-1000-3004).....\$20,872,061
Provided, That any unencumbered balance in the community aid account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

KanCare caseloads.....\$363,807,237
Provided, That any unencumbered balance in the KanCare caseloads account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Non-KanCare caseloads.....\$39,261,056
Provided, That any unencumbered balance in the non-KanCare caseloads account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020:
Provided further, That all people receiving or applying for services that are funded, either partially or entirely, from the non-KanCare caseloads account shall be placed in appropriate services that are determined to be the most economical services available with regard to state general fund expenditures.

KanCare non-caseloads.....\$309,211,233
Provided, That any unencumbered balance in the KanCare non-caseloads account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020:
Provided further, That expenditures shall be made from the KanCare non-caseloads account of the above agency for the Kansas department for aging and disability services and the department of health and environment to make applications and modifications, no later than July 1, 2019, to the current traumatic brain injury home and community-based services medicaid waiver program in accordance with the provisions of section 117 of chapter 109 of the 2018 Session Laws of Kansas and also to restore the unduplicated waiver slot count to 723 and lower such waiver's entry age to birth and add acquired brain injuries to such waiver while setting the financial eligibility requirements for children under 18 to be the same as the Kansas serious emotional disturbance waiver.

Kansas neurological institute – operating
 expenditures (363-00-1000-0303).....\$10,991,318
Provided, That any unencumbered balance in the Kansas neurological institute – operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*; That expenditures from the Kansas neurological institute – operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *Provided further*; That expenditures shall be

made from this account to assist residents of the institution to take personally used items that are constructed for use by such residents and which are hereby authorized to be transferred to such residents from the institution to communities when such residents leave the institution to reside in the communities.

Larned state hospital – operating expenditures (410-00-1000-0103).....\$38,940,206

Provided, That any unencumbered balance in the Larned state hospital – operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*; That expenditures from the Larned state hospital – operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *Provided further*; That expenditures may be made from this account for educational services contracts, which are hereby authorized to be negotiated and entered into by Larned state hospital with unified school districts or other public educational services providers: *And provided further*; That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739, and amendments thereto: *And provided further*; That expenditures shall be made from the Larned state hospital – operating expenditures account to submit a report to the legislative budget committee during the 2019 legislative interim detailing the impact on staff vacancy rates and turnover due to expenditures of moneys from such account to raise wages for current and future employees.

Larned state hospital – sexual predator treatment program (410-00-1000-0200).....\$23,801,444

Provided, That any unencumbered balance in the Larned state hospital – sexual predator treatment program account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Osawatomic state hospital – operating expenditures (494-00-1000-0100).....\$25,644,691

Provided, That any unencumbered balance in the Osawatomic state hospital – operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*; That expenditures from the Osawatomic state hospital – operating expenditures account for official hospitality by the superintendent shall not exceed \$150.

Osawatomic state hospital – certified care expenditures (494-00-1000-0101).....\$8,992,488

Provided, That any unencumbered balance in the Osawatomic state hospital – certified care expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Parsons state hospital and training center – operating expenditures (507-00-1000-0100).....\$12,036,550

Provided, That any unencumbered balance in the Parsons state hospital and training center – operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*; That expenditures from the Parsons state hospital and training center – operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *And provided further*; That expenditures may be made from this account for educational services contracts, which are hereby authorized to be negotiated and entered into by Parsons state hospital and

training center with unified school districts or other public educational services providers: *And provided further*; That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739, and amendments thereto: *And provided further*; That expenditures shall be made from this account to assist residents of the institution to take personally used items that are constructed for use by such residents and which are hereby authorized to be transferred to such residents from the institution to communities when such residents leave the institution to reside in the communities.

Parsons state hospital and
 training center – sexual predator
 treatment program (507-00-1000-0200).....\$1,969,803

Provided, That any unencumbered balance in the Parsons state hospital and training center – sexual predator treatment program account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Larned state hospital – SPTP new crimes
 reimbursement (410-00-1000-0110).....\$250,000

Provided, That any unencumbered balance in the Larned state hospital – SPTP new crimes reimbursement account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Title XIX fund (039-00-2595-4130).....No limit

Provided, That all receipts resulting from payments under title XIX of the federal social security act to any of the institutions under mental health and intellectual disabilities may be credited to the title XIX fund: *Provided further*; That moneys in the title XIX fund may be used for expenditures for contractual services to provide for collecting additional payments under title XVIII and title XIX of the federal social security act and for expenditures for premiums and surcharges required to be paid for physicians' malpractice insurance.

Kansas neurological institute title XIX
 reimbursements fund (363-00-2060-2200).....No limit

Larned state hospital title XIX
 reimbursements fund (410-00-2074-2200).....No limit

Osawatomic state hospital title XIX
 reimbursements fund (494-00-2080-4300).....No limit

Osawatomic state hospital certified care title XIX
 reimbursements fund (494-00-2080-4301).....No limit

Parsons state hospital title XIX
 reimbursements fund (507-00-2083-2300).....No limit

Kansas neurological institute
 fee fund (363-00-2059-2000).....\$1,324,436

Kansas neurological institute –
 foster grandparents program –
 federal fund (363-00-3115-3200).....No limit

Kansas neurological institute – FGP gifts, grants,

donations fund (363-00-7125-7400).....	No limit
Kansas neurological institute – patient benefit fund (363-00-7910-7100).....	No limit
Kansas neurological institute – work therapy patient benefit fund (363-00-7940-7200).....	No limit
Larned state hospital fee fund (410-00-2073-2100).....	\$4,025,227
Larned state hospital – work therapy patient benefit fund (410-00-7938-7200).....	No limit
Larned state hospital – canteen fund (410-00-7806-7000).....	No limit
Larned state hospital – patient benefit fund (410-00-7912-7100).....	No limit
Osawatomic state hospital – canteen fund (494-00-7807-5600).....	No limit
Osawatomic state hospital – patient benefit fund (494-00-7914-5700).....	No limit
Osawatomic state hospital – work therapy patient benefit fund (494-00-7939-5800).....	No limit
Osawatomic state hospital – motor pool revolving fund (494-00-6164-5200).....	No limit
Osawatomic state hospital – cottage revenue and expenditures fund (494-00-2159-2159).....	No limit
Osawatomic state hospital – training fee revolving fund (494-00-2602-2000).....	No limit
<i>Provided, That all moneys received as fees for training activities for Osawatomic state hospital shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Osawatomic state hospital – training fee revolving fund: Provided further, That the superintendent of Osawatomic state hospital is hereby authorized to fix, charge and collect fees for training activities at Osawatomic state hospital: And provided further, That such fees shall be fixed in order to recover all or part of the expenses of such training activities for Osawatomic state hospital.</i>	
Osawatomic state hospital fee fund (494-00-2079-4200).....	\$378,781
<i>Provided, That all moneys received as fees for the use of video teleconferencing equipment at Osawatomic state hospital shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the video teleconferencing fee account of the Osawatomic state hospital fee fund: Provided further, That all moneys credited to the video teleconferencing fee account shall be used solely for the servicing, technical and program support, maintenance and replacement of associated equipment at Osawatomic state hospital: And provided further, That any expenditures from the video teleconferencing fee account shall be in addition to any expenditure limitation imposed on the Osawatomic state hospital fee fund.</i>	
Osawatomic state hospital certified care fund (494-00-2079-4201).....	\$1,992,223

Parsons state hospital and training center – canteen fund (507-00-7808-5500).....	No limit
Parsons state hospital and training center – patient benefit fund (507-00-7916-5600).....	No limit
Parsons state hospital and training center – work therapy patient benefit fund (507-00-7941-5700).....	No limit
Parsons state hospital and training center fee fund (507-00-2082-2200).....	\$1,206,440
<i>Provided</i> , That all moneys received as fees for the use of video teleconferencing equipment at Parsons state hospital and training center shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the video teleconferencing fee account of the Parsons state hospital and training center fee fund: <i>Provided further</i> , That all moneys credited to the video teleconferencing fee account shall be used solely for the servicing, maintenance and replacement of video teleconferencing equipment at Parsons state hospital and training center: <i>And provided further</i> , That any expenditures from the video teleconferencing fee account shall be in addition to any expenditure limitation imposed on the Parsons state hospital and training center fee fund.	
Special program for aging IIIB – federal fund (039-00-3287-3281).....	No limit
Special program for aging IIIC – federal fund (039-00-3425-3423).....	No limit
Special program for aging IIID – federal fund (039-00-3286-3285).....	No limit
National family caregiver support program IIIE – federal fund (039-00-3289-3201).....	No limit
Special program for aging IV & II – federal fund (039-00-3288-3297).....	No limit
Special program for aging VII-2 – federal fund (039-00-3358-3072).....	No limit
Special program for aging VII-3 – federal fund (039-00-3402-3000).....	No limit
Survey & certification – federal fund (039-00-3064-3064).....	No limit
<i>Provided</i> , That transfers of moneys from the survey & certification – federal fund to the state fire marshal may be made during fiscal year 2020 pursuant to a contract, which is hereby authorized to be entered into by the secretary for aging and disability services with the state fire marshal to provide fire and safety inspections for adult care homes and hospitals.	
Center for medicare/medicaid service – federal fund (039-00-3408-3300).....	No limit
Money follows the person grant – federal fund (039-00-3054-4000).....	No limit
Medicaid assistance program – federal fund (039-00-1000-0500).....	No limit
Social service block	

grant fund (039-00-3307-3371).....\$4,501,000

Provided, That each grant agreement with an area agency on aging for a grant from the social service block grant fund shall require the area agency on aging to submit to the secretary for aging and disability services a report for fiscal year 2019 by the area agency on aging, which shall include information about the kinds of services provided and the number of persons receiving each kind of service during fiscal year 2019:

Provided further, That the secretary for aging and disability services shall submit to the senate committee on ways and means and the house of representatives committee on appropriations at the beginning of the 2020 regular session of the legislature a report of the information contained in such reports from the area agencies on aging on expenditures for fiscal year 2019: *And provided further*, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this fund shall be placed in appropriate services that are determined to be the most economical services available.

Nutrition service incentive program

fund – federal (039-00-3552-3552).....No limit

National bioterrorism hospital preparedness program –

federal fund (039-00-3398-4386).....No limit

Senior citizen nutrition

check-off fund (039-00-2660-2610).....No limit

Quality care services fund (039-00-2999-2902).....No limit

Provided, That the secretary for aging and disability services, acting as the agent of the secretary of health and environment, is hereby authorized to collect the quality care assessment under K.S.A. 2018 Supp. 75-7435, and amendments thereto, and notwithstanding the provisions of K.S.A. 2018 Supp. 75-7435, and amendments thereto, all moneys received for such quality care assessments shall be deposited in the state treasury to the credit of the quality care services fund: *Provided further*, That all moneys in the quality care services fund shall be used to finance initiatives to maintain or improve the quantity and quality of skilled nursing care in skilled nursing care facilities in Kansas in accordance with K.S.A. 2018 Supp. 75-7435, and amendments thereto.

State licensure fee fund (039-00-2373-2370).....No limit

General fees fund (039-00-2524-2500).....No limit

Provided, That the secretary for aging and disability services is hereby authorized to collect: (1) Fees from the sale of surplus property; (2) fees charged for searching, copying and transmitting copies of public records; (3) fees paid by employees for personal long distance calls, postage, faxed messages, copies and other authorized uses of state property; and (4) other miscellaneous fees: *Provided further*, That such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund: *And provided further*, That expenditures shall be made from this fund to meet the obligations of the Kansas department for aging and disability services or to benefit and meet the mission of the Kansas department for aging and disability services.

Gifts and donations fund (039-00-7309-7000).....No limit

Provided, That the secretary for aging and disability services is hereby authorized to receive gifts and donations of money for services to senior citizens or purposes related thereto: *Provided further*, That such gifts and donations of money shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and

amendments thereto, and shall be credited to the gifts and donations fund.

Medical resources and

collection fund (039-00-2363-2100).....No limit

Provided, That all moneys received or collected by the secretary for aging and disability services due to medicaid overpayments shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the medical resources and collection fund: *Provided further*, That expenditures from such fund shall be made for medicaid program-related expenses and used to reduce state general fund outlays for the medicaid program: *And provided further*, That all moneys received or collected by the secretary for aging and disability services due to civil monetary penalty assessments against adult care homes shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the medical resources and collection fund: *And provided further*, That expenditures from such fund shall be made to protect the health or property of adult care home residents as required by federal law.

SHICK fund –

grants – federal (039-00-3913-3800).....No limit

Long-term care loan and

grant fund (039-00-5110-5100).....No limit

Health facilities

review fund (039-00-2308-2400).....No limit

Medicare enrollment assistance program

fund – federal (039-00-3468-3450).....No limit

Medical assistance program –

federal fund (039-00-3414-0442).....No limit

DADS social welfare fund (039-00-2141-2195).....No limit

Other state fees fund – community

alcohol treatment (039-00-2661-0000).....No limit

Substance abuse/mental health

services – partnership for success –

federal fund (039-00-3284-1327).....No limit

Substance abuse/mental

health supported employment –

federal fund (039-00-3284-1329).....No limit

Community mental health block grant

federal fund (039-00-3310-0460).....No limit

Prevention/treatment substance abuse

federal fund (039-00-3301-0310).....No limit

Problem gambling and addictions

grant fund (039-00-2371-2371).....\$6,825,996

Alternatives to psych. resid.

treatment facilities for children

federal fund (039-00-3384-4495).....No limit

Substance abuse performance outcome grant

federal fund (039-00-3881-3881).....No limit

ADAS data collection grant

federal fund (039-00-3887-3887).....No limit

Money follows the person rebalancing demonstration federal fund (039-00-3054-4041).....	No limit
Temporary assistance for needy families – fed funds (039-00-3323-3323).....	No limit
Coop agreement to benefit homeless – federal fund (039-00-3284-1321).....	No limit
Assistance in transition from homelessness federal fund (039-00-3347-4316).....	No limit
Developmental disabilities basic support federal fund (039-00-3380-3380).....	No limit
Olmstead fellowship program (039-00-3885-3885).....	No limit
Medicare fund – SHICK (039-00-3408-3400).....	No limit
Medicare fund – oasis (039-00-3408-3350).....	No limit
<i>Provided, That all nonfederal reimbursements received by the Kansas department for aging and disability services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and credited to the nonfederal reimbursements fund.</i>	
Mental health grants – state highway fund (039-00-2160-2160).....	\$9,750,000
<i>Provided, That on July 1, 2019, October 1, 2019, January 1, 2020, and April 1, 2020, or as soon after each date as moneys are available, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$2,437,500 from the state highway fund of the department of transportation to the mental health grants – state highway fund of the Kansas department for aging and disability services.</i>	
Indirect cost fund (039-00-2193-2193).....	No limit
Kansas national background check program – federal fund (039-00-3032-3132).....	No limit
Systems of care grant – federal fund (039-00-3595-3595).....	No limit
Community mental health center improvement fund (039-00-2336-2336).....	No limit
Community crisis stabilization centers fund (039-00-2337-2337).....	No limit
Clubhouse model program fund (039-00-2338-2338).....	No limit
Opioid abuse treatment & prevention federal fund (039-00-3023-3024).....	No limit
Health occupations credentialing fee fund (039-00-2315-2315).....	No limit
TBI partnership program fund.....	No limit
Non-government grant fund (039-00-2740-2740).....	No limit
Safe and supportive schools fund (039-00-2788-2788).....	No limit
Nutrition services incentives federal fund (039-00-3291-3305).....	No limit
Assist transition from homelessness	

federal fund (039-00-3347-4316).....	No limit
Mental health research grant	
federal fund (039-00-3377-4321).....	No limit
Senior farmer market nutrition program	
federal fund (039-00-3406-3205).....	No limit
Children's health insurance	
federal fund (039-00-3424-3420).....	No limit
Home delivery nutrition services	
federal fund (039-00-3469-3309).....	No limit
Congregate nutrition	
federal fund (039-00-3470-3311).....	No limit
Communities putting prevention to work	
federal fund (039-00-3488-3488).....	No limit
Mental health client level reporting	
federal fund (039-00-3882-3882).....	No limit
Transformation transfer initiatives	
federal fund (039-00-3888-3888).....	No limit
KDFA refunding revenue bond	
2013B fund (039-00-7111).....	No limit
Trust fund (039-00-7299).....	No limit
Larned state security hospital	
KDFA 02N-1 fund (039-00-8703).....	No limit
SRS state of Kansas KDFA 04A-1	
project fund (039-00-8704).....	No limit
State of Kansas projects	
KDFA 2010E-F fund (039-00-8705).....	No limit
Parking deduction clearing fund (039-00-9233-9200).....	No limit
Medical assistance recovery	
clearing fund (039-00-9300).....	No limit
Credit card clearing fund (039-00-9400).....	No limit

(c) On July 1, 2019, and on other occasions during fiscal year 2020, when necessary as determined by the secretary for aging and disability services, the director of accounts and reports shall transfer amounts specified by the secretary for aging and disability services, which amounts constitute reimbursements, credits and other amounts received by the Kansas department for aging and disability services for activities related to federal programs from specified special revenue funds of the Kansas department for aging and disability services to the indirect cost fund of the Kansas department for aging and disability services.

(d) On July 1, 2019, the superintendent of Osawatomic state hospital, upon the approval of the director of accounts and reports, shall transfer an amount specified by the superintendent from the Osawatomic state hospital – canteen fund (494-00-7807-5600) to the Osawatomic state hospital – patient benefit fund (494-00-7914-5700).

(e) On July 1, 2019, the superintendent of Parsons state hospital, upon approval from the director of accounts and reports, shall transfer an amount specified by the superintendent from the Parsons state hospital and training center – canteen fund (507-00-7808-5500) to the Parsons state hospital and training center – patient benefit fund (507-00-7916-5600).

(f) On July 1, 2019, the superintendent of Larned state hospital, upon approval of the director of accounts and reports, shall transfer an amount specified by the superintendent from the Larned state hospital – canteen fund (410-00-7806-7000) to the Larned state hospital – patient benefit fund (410-00-7912-7100).

(g) During the fiscal year ending June 30, 2020, no moneys paid by the Kansas department for aging and disability services from the mental health and intellectual disabilities aid and assistance account (039-00-1000-4001) of the state general fund shall be expended by the entity receiving such moneys to pay membership dues and fees to any entity that does not provide the Kansas department for aging and disability services, the legislative division of post audit, or another state agency, access to its financial records upon request for such access.

(h) During the fiscal year ending June 30, 2020, the secretary for aging and disability services, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2020 from the state general fund for the Kansas department for aging and disability services or any institution or facility under the general supervision and management of the secretary for aging and disability services to another item of appropriation for fiscal year 2020 from the state general fund for the Kansas department for aging and disability services or any institution or facility under the general supervision and management of the secretary for aging and disability services. The secretary for aging and disability services shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(i) During the fiscal year ending June 30, 2020, the secretary for aging and disability services, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2020 from the state institutions building fund for the Kansas department for aging and disability services or any institution or facility under the general supervision and management of the secretary for aging and disability services to another item of appropriation for fiscal year 2020 from the state institutions building fund for the Kansas department for aging and disability services or any institution or facility under the general supervision and management of the secretary for aging and disability services. The secretary for aging and disability services shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(j) In addition to the other purposes for which expenditures may be made by the Kansas department for children and families from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2020 for the Kansas department for children and families and in addition to the other purposes for which expenditures may be made by the department of health and environment – division of public health from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2020 for the department of health and environment – division of public health, as authorized by this or other appropriation act of the 2019 regular session of the legislature, expenditures may be made by the secretary for children and families and the secretary of health and environment for fiscal year 2020 to enter into a contract with the secretary for aging and disability services, which is hereby authorized and directed to be entered into by such secretaries, to provide for the secretary for aging and disability services to perform the powers, duties, functions and responsibilities prescribed by and to conduct investigations pursuant to K.S.A. 39-1404,

and amendments thereto, in conjunction with the performance of such powers, duties, functions, responsibilities and investigations by the secretary for children and families and the secretary of health and environment under such statute, with respect to reports of abuse, neglect or exploitation of residents or reports of residents in need of protective services on behalf of the secretary for children and families or the secretary of health and environment, as the case may be, in accordance with and pursuant to K.S.A. 39-1404, and amendments thereto, during fiscal year 2020: *Provided*, That, in addition to the other purposes for which expenditures may be made by the Kansas department for aging and disability services from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2020 for the Kansas department for aging and disability services, as authorized by this or other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the secretary for aging and disability services for fiscal year 2020 to provide for the performance of such powers, duties, functions and responsibilities and to conduct such investigations: *Provided further*, That, the words and phrases used in this subsection shall have the meanings respectively ascribed thereto by K.S.A. 39-1401, and amendments thereto.

(k) On October 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$550,000 from the problem gambling and addictions grant fund (039-00-2371-2371) of the Kansas department for aging and disability services to the domestic violence grant fund (252-00-2014-2014) of the governor's department.

(l) On October 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$150,000 from the problem gambling and addictions grant fund (039-00-2371-2371) of the Kansas department for aging and disability services to the child advocacy center grants fund (252-00-2024-2024) of the governor's department.

(m) On October 1, 2019, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 79-4805, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$500,000 from the problem gambling and addictions grant fund (039-00-2371-2371) of the Kansas department for aging and disability services to the community corrections special revenue fund (521-00-2447-2447) of the department of corrections.

(n) During the fiscal year ending June 30, 2020, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 by the above agency by this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2020 to prepare and submit reports concerning medicaid home and community based services waivers on or before July 1, 2019, October 1, 2019, January 1, 2020, and April 1, 2020, to the director of legislative research and the director of the budget: *Provided*, That the above agency shall submit a separate report for each home and community based services waiver: *Provided further*, That such reports shall include the actual and projected expenditures for such waiver, actual and projected numbers of individuals provided services under such waiver and average cost per individual served: *And provided further*, That such reports shall include summarized encounter data by waiver population or comparable data to allow for review of such data at the program

level.

(o) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2020, the following:

Children's mental

health waiver (039-00-2000-2403).....\$3,800,000

Provided, That any unencumbered balance in the children's mental health waiver account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(p) During the fiscal year ending June 30, 2020, the secretary for aging and disability services, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2020 from the title XIX fund (039-00-2595-4130) of the Kansas department for aging and disability services to any institution or facility under the general supervision and management of the secretary for aging and disability services. The secretary for aging and disability services shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(q) Notwithstanding the provisions of K.S.A. 2018 Supp. 75-5958, and amendments thereto, or any other statute, and subject to appropriations, the secretary for aging and disability services may provide rate increases for nursing facilities for fiscal year 2020.

(r) During the fiscal year ending June 30, 2020, in addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 as authorized by this act or other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 for the creation of a plan for Osawatimie state hospital to end the moratorium on voluntary admissions and increase the limit of involuntary patients above the current limit of 166 patients: *Provided*, That the above agency shall submit such report on or before January 13, 2020, to the house of representatives committee on health and human services, the house of representatives committee on social services budget and the senate committee on public health and welfare.

Sec. 86.

KANSAS DEPARTMENT
FOR CHILDREN AND FAMILIES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

State operations (including

official hospitality) (629-00-1000-0013).....\$2,435,277

Youth services aid

and assistance (629-00-1000-7020).....\$5,870,777

(b) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the Kansas department for children and families from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 by chapter 104 of the 2017 Session Laws of Kansas, chapter 109 of the 2018 Session Laws of Kansas, this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be

made by the above agency from such moneys to establish a working group to gather data and issue a report on or before June 30, 2019, related to the impact of 2016 Senate Bill No. 367 on youth with offender behaviors entering into a foster care placement or already in a foster care placement: *Provided*, That the working group shall evaluate the services being offered and identify needed services: *Provided further*; That the working group shall include representatives from the above agency, the Kansas department of corrections, child welfare organizations, mental health organizations, the judicial branch, law enforcement and any other organizations with information on services, as determined by the secretary of children and families.

Sec. 87.

KANSAS DEPARTMENT
FOR CHILDREN AND FAMILIES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

State operations (including

official hospitality) (629-00-1000-0013).....\$117,127,263

Provided, That any unencumbered balance in the state operations (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Youth services aid

and assistance (629-00-1000-7020).....\$197,490,760

Provided, That any unencumbered balance in the youth services aid and assistance account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Vocational rehabilitation aid

and assistance (629-00-1000-5010).....\$4,704,705

Provided, That any unencumbered balance in the vocational rehabilitation aid and assistance account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*; That expenditures may be made from this account for the acquisition of durable medical equipment and assistive technology devices: *And provided further*; That expenditures may be made from this account by the secretary for children and families for the purchase of worker's compensation insurance for consumers of vocational rehabilitation services and assessments at work sites and job tryout sites throughout the state.

Cash assistance (629-00-1000-2010).....\$10,497,350

Provided, That any unencumbered balance in the cash assistance account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Nonfederal reimbursements

fund (629-00-2585-4125).....No limit

Provided, That all nonfederal reimbursements received by the Kansas department for children and families shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and credited to the nonfederal reimbursements fund.

Receipt suspense	
clearing fund (629-00-9212-0910).....	No limit
Client assistance payment	
clearing fund (629-00-9214-0930).....	No limit
Child support collections	
clearing fund (629-00-9218-0970).....	No limit
EBT settlement fund (629-00-9219-0980).....	No limit
CAP settlement fund (629-00-9219-0990).....	No limit
Credit card clearing fund (629-00-9405-9400).....	No limit
Social welfare fund (629-00-2195-0110).....	No limit
Other state fees fund (629-00-2220).....	No limit
Child welfare services state grants	
federal fund (629-00-3306-0341).....	No limit
Social services block grant –	
federal fund (629-00-3307-0370).....	No limit
Temporary assistance to needy families	
federal fund (629-00-3323-0530).....	No limit
Title IV-B promoting safe/stable families	
federal fund (629-00-3302).....	No limit
Title IV-B enhance safety of children	
federal fund (629-00-3304).....	No limit
Title IV-E foster care	
federal fund (629-00-3337-0419).....	No limit
Medical assistance program	
federal fund (629-00-3414).....	No limit
Rehabilitation services – vocational rehabilitation	
federal fund (629-00-3315).....	No limit
SRS enterprise fund (629-00-5105).....	No limit
Child support enforcement	
federal fund (629-00-3316).....	No limit
Low-income home energy assistance	
federal fund (629-00-3305-0350).....	No limit
Refugee targeted assistance	
federal fund (629-00-3375).....	No limit
Children's health insurance program	
federal fund (629-00-3424-0541).....	No limit
SNAP employment and training exchange	
federal fund (629-00-3452-3452).....	No limit
Commodity supp food program	
federal fund (629-00-3308-3215).....	No limit
Social security – disability insurance	
federal fund (629-00-3309-0390).....	No limit
Supplemental nutrition assistance program	
federal fund (629-00-3311).....	No limit
Emergency food assistance program	
federal fund (629-00-3313-2310).....	No limit
Child care and development	

mandatory and matching federal fund (629-00-3318-0523).....	No limit
Community-based child abuse prevention grants federal fund (629-00-3319-7400).....	No limit
Chafee education and training vouchers program federal fund (629-00-3338-0425).....	No limit
Adoption incentive payments federal fund (629-00-3343-0426).....	No limit
State sexual assault and domestic violence coalitions grants federal fund (629-00-3344-7345).....	No limit
Adoption assistance federal fund (629-00-3357-0418).....	No limit
Chafee foster care independence program federal fund (629-00-3365-0417).....	No limit
Refugee and entrant assistance federal fund (629-00-3378).....	No limit
Head start federal fund (629-00-3379-6323).....	No limit
Developmental disabilities basic support federal fund (629-00-3380-4360).....	No limit
Children's justice grants to states federal fund (629-00-3381-7320).....	No limit
Child abuse and neglect state grants federal fund (629-00-3382-7210).....	No limit
Independent living state grants federal fund (629-00-3387).....	No limit
Independent living services for older blind federal fund (629-00-3388-5313).....	No limit
Supported employment for individuals with severe disabilities federal fund (629-00-3389).....	No limit
Independent living older blind – ARRA federal fund (629-00-3474-0454).....	No limit
Child care discretionary federal fund (629-00-3028-0522).....	No limit
SNAP employment and training pilot federal fund (629-00-3321-3321).....	No limit
SNAP technology project for success federal fund (629-00-3327-3327).....	No limit
Project maintenance reserve fund (629-00-2214-0150).....	No limit

(c) During the fiscal year ending June 30, 2020, the secretary for children and families, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2020, from the state general fund for the Kansas department for children and families to another item of

appropriation for fiscal year 2020 from the state general fund for the Kansas department for children and families. The secretary for children and families shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(d) During the fiscal year ending June 30, 2020, the secretary for children and families, with the approval of the director of the budget and subject to the provisions of federal grant agreements, may transfer moneys received under a federal grant that are credited to a federal fund of the Kansas department for children and families to another federal fund of the Kansas department for children and families. The secretary for children and families shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(e) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports may transfer, in one or more amounts, from the nonfederal reimbursements fund (629-00-2585-4125) to the social welfare fund (629-00-2195-0110) the amount specified by the secretary for children and families.

(f) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2020, the following:

Child care (629-00-2000-2406).....\$5,033,679

Provided, That any unencumbered balance in the child care account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Family preservation (629-00-2000-2413).....\$3,241,062

Provided, That any unencumbered balance in the family preservation account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(g) In addition to the other purposes for which expenditures may be made by the Kansas department for children and families from moneys appropriated from the temporary assistance to needy families federal fund (629-00-3323-0530) for fiscal year 2020 by this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the Kansas department for children and families from such moneys appropriated for fiscal year 2020 in an amount not to exceed \$3,000,000 for the purpose of funding early childhood home visitation programs provided by any organization that promotes child wellbeing and prevents the abuse and neglect of children through intensive home visits: *Provided, however*; That any such program shall: (1) Be offered to families whose income is less than 200% of the federal poverty level; (2) comply with requirements of the temporary assistance to needy families block grant; and (3) meet any other programmatic requirements of the federal guidelines for the temporary assistance to needy families program.

(h) During the fiscal year ending June 30, 2020, in addition to the other purposes for which expenditures may be made by the Kansas department for children and families from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 by this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys to study the impact of 2016 Senate Bill No. 367 on "crossover youth," specifically youth at risk of being placed in foster care due in whole or in part to conduct that has resulted or could result in juvenile offender allegations, and youth placed in foster care engaging in conduct that has resulted or could result in juvenile offender allegations: *Provided*, That the department shall study the following topics:

numbers and demographics of crossover youth compared to the broader juvenile offender population; types and nature of calls to law enforcement related to crossover youth compared to the broader juvenile offender population; numbers and nature of alleged offender behaviors of crossover youth taken into custody by law enforcement pursuant to K.S.A. 38-2330(d)(1), and amendments thereto; numbers and nature of alleged offender behaviors of crossover youth taken for intake and assessment pursuant to K.S.A. 38-2330(c)(1)(B), and amendments thereto; release and referral determinations, including rates of detention, from intake and assessment process for crossover youth alleged to have engaged in behavior that may cause injury to self or others or damage to property and youth who pose a risk to public safety; use of detention risk assessment override for crossover youth; numbers of crossover youth receiving immediate intervention services, evidence-based services, or other corrections interventions designed to reduce the likelihood of reoffending, and the nature of the programs and services offered and outcomes achieved; any other juvenile offender information routinely captured by the department of corrections as defined in K.S.A. 38-2325(c), and amendments thereto, disaggregated for the crossover youth population; information on the types and classifications of placements used by crossover youth placed in foster care; information on placement stability of crossover youth placed in foster care; use of psychiatric residential treatment facilities by crossover youth including waitlist data; any other reportable event information routinely captured by the department of corrections as defined in K.S.A. 38-2325(e), and amendments thereto, disaggregated for the crossover youth population; gaps in available corrections interventions for crossover youth who are placed at home; gaps in available corrections interventions for crossover youth placed in foster care; and other matters relating to the impact of 2016 Senate Bill No. 367 on youth at risk of being placed or placed foster care; and any other topics designated by the working group: *Provided further*, That the Kansas department for children and families shall establish a working group to assist with the production, data collection, and analysis of the report that shall consist of the following members, each to be appointed by the respective appointing authority on or before July 15, 2019: (1) the secretary of corrections or the secretary's designee; (2) the secretary for children and families or the secretary's designee; (3) one member appointed by Saint Francis ministries; (4) one member appointed by KVC health systems; (5) one member appointed by the association of community mental health centers of Kansas; (6) one member appointed by the Kansas sheriffs' association; (7) one member appointed by the Kansas district judges association; (8) one member appointed by the Kansas association of court services officers; (9) one member appointed by the Kansas county and district attorneys association; (10) one member appointed by the office of judicial administration with the Kansas judicial branch; and (11) one member appointed by the Kansas association of chiefs of police: *And provided further*, That the Kansas department for children and families shall submit a report on the findings of the study to the senate committees on ways and means and judiciary, the house of representatives committees on appropriations, corrections and juvenile justice, and judiciary, and the joint committee on corrections and juvenile justice oversight on or before November 1, 2019.

Sec. 88.

KANSAS GUARDIANSHIP PROGRAM

- (a) There is appropriated for the above agency from the state general fund for the

fiscal year ending June 30, 2020, the following:

Kansas guardianship
 program (261-00-1000-0300).....\$1,307,946
Provided, That any unencumbered balance in the Kansas guardianship program
 account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year
 2020.

Sec. 89.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Supplemental general
 state aid (652-00-1000-0840).....\$10,383,000

(b) On the effective date of this act, of the \$520,000 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 76(a) of chapter 109 of the 2018 Session Laws of Kansas from the state general fund in the teach for America pilot program account (652-00-1000-0200) the sum of \$250,000 is hereby lapsed.

(c) On the effective date of this act, of the \$4,771,500 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 2(a) of chapter 95 of the 2017 Session Laws of Kansas from the state general fund in the school district juvenile detention facilities and Flint Hills job corps center grants account (652-00-1000-0290) the sum of \$927,439 is hereby lapsed.

(d) On the effective date of this act, of the \$327,500 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 2(a) of chapter 95 of the 2017 Session Laws of Kansas from the state general fund in the governor's teaching excellence scholarships and awards account (652-00-1000-0770) the sum of \$142,326 is hereby lapsed.

(e) On the effective date of this act, of the \$2,046,657,545 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 2(a) of chapter 95 of the 2017 Session Laws of Kansas from the state general fund in the state foundation aid account (652-00-1000-0820) the sum of \$39,326,035 is hereby lapsed.

(f) On the effective date of this act, the director of accounts and reports shall transfer \$105,894 from the school district extraordinary declining enrollment fund (652-00-2290-2290) of the department of education to the state general fund.

(g) During the fiscal year ending June 30, 2019, the commissioner of education, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2019 from the state general fund for the department of education to another item of appropriation for fiscal year 2019 from the state general fund for the department of education. The commissioner of education shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(h) On the effective date of this act, of the \$5,632,000 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 76(a) of chapter 109 of the 2018 Session Laws of Kansas from the state general fund in the KPERS – employer contributions account (652-00-1000-0100), the sum of \$2,045,850 is hereby lapsed.

Sec. 90.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the

fiscal year ending June 30, 2020, the following:

Operating expenditures (including official hospitality) (652-00-1000-0053).....	\$13,534,862
<i>Provided</i> , That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.	
Special education services aid (652-00-1000-0700).....	\$497,880,818
<i>Provided</i> , That any unencumbered balance in the special education services aid account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: <i>Provided further</i> , That expenditures shall not be made from the special education services aid account for the provision of instruction for any homebound or hospitalized child, unless the categorization of such child as exceptional is conjoined with the categorization of the child within one or more of the other categories of exceptionality: <i>And provided further</i> , That expenditures shall be made from this account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-3425, and amendments thereto: <i>And provided further</i> , That expenditures shall be made from the amount remaining in this account, after deduction of the expenditures specified in the foregoing provisos, for payments to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72- 3422, and amendments thereto.	
State foundation aid (652-00-1000-0820).....	\$2,225,115,906
<i>Provided</i> , That any unencumbered balance in the state foundation aid account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.	
Supplemental state aid (652-00-1000-0840).....	\$503,300,000
<i>Provided</i> , That any unencumbered balance in the supplemental state aid account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.	
Mentor teacher (652-00-1000-0440).....	\$1,300,000
Professional development (652-00-1000-0860).....	\$1,700,000
Information technology education opportunities (652-00-1000-0600).....	\$500,000
Discretionary grants (652-00-1000-0400).....	\$322,457
<i>Provided</i> , That the above agency shall make expenditures from the discretionary grants account during the fiscal year 2020, in the amount not less than \$125,000 for after school programs for middle school students in the sixth, seventh and eighth grades: <i>Provided further</i> , That the after school programs may also include fifth and ninth grade students, if they attend a junior high: <i>And provided further</i> , That such discretionary grants shall be awarded to after school programs that operate for a minimum of two hours a day, every day that school is in session, and a minimum of six hours a day for a minimum of five weeks during the summer: <i>And provided further</i> , That the discretionary grants awarded to after school programs shall require a \$1 for \$1 local match: <i>And provided further</i> , That the aggregate amount of discretionary grants awarded to any one after school program shall not exceed \$25,000.	
School food assistance (652-00-1000-0320).....	\$2,510,486
School safety hotline (652-00-1000-0230).....	\$10,000
KPERS – employer contributions (652-00-1000-0100).....	\$37,875,372
<i>Provided</i> , That any unencumbered balance in the KPERS – employer contributions	

account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That all expenditures from the KPERS – employer contributions account shall be for payment of participating employers' contributions to the Kansas public employees retirement system as provided in K.S.A. 74-4939, and amendments thereto: *And provided further*, That expenditures from this account for the payment of participating employers' contributions to the Kansas public employees retirement system may be made regardless of when the liability was incurred.

KPERS – employer
contributions – USDs (652-00-1000-0110).....\$507,888,174

Provided, That any unencumbered balance in the KPERS – employer contributions – USDs account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That all expenditures from the KPERS – employer contributions – USDs account shall be for payment of participating employers' contributions to the Kansas public employees retirement system as provided in K.S.A. 74-4939, and amendments thereto: *And provided further*, That expenditures from this account for the payment of participating employers' contributions to the Kansas public employees retirement system may be made regardless of when the liability was incurred.

KPERS employer contribution
layering payment #1 (652-00-1000-0120).....\$6,400,000

KPERS employer contribution
layering payment #2.....\$19,400,000

Career and technical education
transportation (652-00-1000-0190).....\$650,000
Education super highway (652-00-1000-0180).....\$512,882

Provided, That any unencumbered balance in the education super highway account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Juvenile transitional crisis center
pilot project (652-00-1000-0210).....\$300,000

Provided, That expenditures from the juvenile transitional crisis center pilot project account shall be used by the above agency during fiscal year 2020 to develop a regional crisis center pilot project at the Beloit special education cooperative, founded on research and evidence-based practices designed to meet the unique social and emotional needs of students identified as at-risk or with disabilities: *Provided further*, That such project shall provide individualized programming to attain such student's high school diploma and job skills while working through the social skills program: *And provided further*, That the commissioner of education shall provide an update on the implementation of the pilot project developed by this proviso to the legislature on or before the first day of the 2020 regular legislative session.

ACT and workkeys assessments
program (652-00-1000-0140).....\$2,800,000

Provided, That expenditures shall be made by the above agency from the ACT and workkeys assessments program account to provide the ACT college entrance exam and the three ACT workkeys assessments that are required to earn a national career readiness certificate to each student enrolled in grades nine through 12: *Provided further*, That expenditures may be made by the above agency from the account to provide for the pre-ACT exam for students enrolled in ninth grade: *And provided*

further, That no student enrolled in grades nine through 12 of any school district shall be required to pay any fees or costs to take such exam and assessments: *And provided further*, That in no event shall any school district be required to provide for more than one exam and three assessments per student: *And provided further*, That the state board of education may enter into any contracts that are necessary to promote statewide cost savings to administer such exams and assessments.

Mental health intervention team

pilot program (652-00-1000-0150).....\$4,190,776

Provided, That any unencumbered balance in the mental health intervention team pilot program account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures shall be made by the above agency to implement the mental health intervention team pilot program so as to improve social-emotional wellness and outcomes for students by increasing schools' access to counselors, social workers and psychologists statewide: *And provided further*, That school districts participating in such program shall enter into the necessary memorandums of understanding and other necessary agreements with participating community mental health centers and the appropriate state agencies to implement the pilot program: *And provided further*, That mental health intervention teams shall consist of school liaisons employed by the participating school district, and clinical therapists and case managers employed by the participating community mental health center: *And provided further*, That the following shall participate in the pilot program for fiscal year 2020: (1) 23 schools in the Wichita school district (U.S.D. no. 259); (2) 28 schools in the Topeka school district (U.S.D. no. 501); (3) 10 schools in the Kansas City school district (U.S.D. no. 500); (4) 5 schools in the Parsons school district (U.S.D. no. 503); (5) 4 schools in the Garden City school district (U.S.D. no. 457); and (6) 9 schools served by the fiscal agent, Abilene school district (U.S.D. no. 435): *And provided further*, That additional pilot programs may be added as determined by the state board of education: *And provided further*, That on or before June 30, 2020, the director of the division of health care finance of the department of health and environment shall certify to the director of the budget and the director of the legislative research department the aggregate amount of expenditures for fiscal year 2020 for treatment and services for students provided under the mental health intervention team pilot program, or provided based on a referral from such program.

MHIT pilot program – online

database (652-00-1000-0160).....\$500,000

Provided, That any unencumbered balance in the MHIT pilot program – online database account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

MHIT school liaisons (652-00-1000-0170).....\$3,263,110

Provided, That any unencumbered balance in the MHIT school liaisons account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *And provided further*, That expenditures shall be made by the above agency for mental health intervention team school liaisons employed by those school districts participating in the mental health intervention team pilot program: *And provided further*, That the salaries and wages for school liaisons shall be matched by participating school districts on a \$3 of state moneys for \$1 of school district moneys basis.

Educable deaf-blind and

severely handicapped children's programs aid (652-00-1000-0630).....\$110,000

School district juvenile detention facilities and Flint Hills job corps center grants (652-00-1000-0290).....\$5,060,528

Provided, That any unencumbered balance in the school district juvenile detention facilities and Flint Hills job corps center grants account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*; That expenditures shall be made from the school district juvenile detention facilities and Flint Hills job corps center grants account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-1173, and amendments thereto.

Governor's teaching excellence scholarships and awards (652-00-1000-0770).....\$360,693

Provided, That any unencumbered balance in the governor's teaching excellence scholarships and awards account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*; That all expenditures from the governor's teaching excellence scholarships and awards account for teaching excellence scholarships shall be made in accordance with K.S.A. 72-2166, and amendments thereto: *And provided further*; That each such grant shall be required to be matched on a \$1 for \$1 basis from nonstate sources: *And provided further*; That award of each such grant shall be conditioned upon the recipient entering into an agreement requiring the grant to be repaid if the recipient fails to complete the course of training under the national board for professional teaching standards certification program: *And provided further*; That all moneys received by the department of education for repayment of grants for governor's teaching excellence scholarships shall be deposited in the state treasury and credited to the governor's teaching excellence scholarships program repayment fund (652-00-7221-7200).

Governor's scholars program scholarship and awards.....\$20,000

Evidence- or research-based reading programs.....\$1,200,000

Provided, That the above agency shall make expenditures from the evidence- or research-based reading programs account during fiscal year 2020 for any school district that has an evidence- or research-based reading program to help ensure achievement on grade level in reading approved by the state board of education: *Provided further*; That the school district shall submit to the state board of education the number of students participating in the evidence- or research-based reading program on September 20, 2019, in grades Pre-K through 3: *And provided further*; That all moneys in the evidence- or research-based reading programs account expended for fiscal year 2020 shall be matched by participating school districts on a \$3 of state moneys for \$1 of school district moneys basis: *And provided further*; That the state shall reimburse the school district from this account for actual expenses on a per pupil basis based on the number of students in the evidence- or research-based reading program: *And provided further*; That existing, approved Kansas reading success reading programs will continue to be supported, and additional reading programs may be added as determined by the state board of education.

Incentive for technical education (652-00-1000-0130).....\$80,000

Provided, That, notwithstanding the provisions of K.S.A. 72-3819, and amendments thereto, or any other statute, expenditures shall be made from the incentive for technical education account for grants to school districts to pay for the cost of tests or exams required for pupils to earn an industry-recognized credential in a high-need occupation as identified by the secretary of labor, in consultation with the state board of regents and the state board of education.

Teach for America (652-00-1000-0200).....\$261,000

School safety and security grants.....\$5,000,000

Provided, That all moneys in the school safety and security grants account expended for fiscal year 2020 shall be matched by the receiving school district on a \$1-for-\$1 basis from other moneys of the district: *Provided further*, That expenditures shall be made by the above agency from such account for fiscal year 2020 for disbursements of grant moneys approved by the state board of education for the acquisition and installation of security cameras and any other systems, equipment and services necessary for security monitoring of facilities operated by a school district, and for securing doors, windows and any entrances to such facilities.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law and transfers to other state agencies shall not exceed the following:

State school district
 finance fund (652-00-7393-7000).....No limit

School district capital
 improvements fund (652-00-2880-2880).....No limit

Provided, That expenditures from the school district capital improvements fund shall be made only for the payment of general obligation bonds approved by voters under the authority of K.S.A. 72-5457, and amendments thereto.

Mineral production
 education fund (652-00-7669-7669).....No limit

School district capital outlay
 state aid fund.....No limit

Conversion of materials and
 equipment fund (652-00-2420-2020).....No limit

State safety fund (652-00-2538-2030).....No limit

Provided, That notwithstanding the provisions of K.S.A. 8-272, and amendments thereto, or any other statute, funds shall be distributed during fiscal year 2020 as soon as moneys are available.

School bus safety fund (652-00-2532-2300)..... No limit

Motorcycle safety fund (652-00-2633-2050).....No limit

Federal indirect cost
 reimbursement fund (652-00-2312-2200).....No limit

Teacher and administrator
 fee fund (652-00-2723-2060).....No limit

Food assistance –
 federal fund (652-00-3230-3020).....No limit

Food assistance – school breakfast program – federal fund (652-00-3529-3490).....	No limit
Food assistance – national school lunch program – federal fund (652-00-3530-3500).....	No limit
Food assistance – child and adult care food program – federal fund (652-00-3531-3510).....	No limit
Community-based child abuse prevention – federal fund (652-00-3319-7400).....	No limit
Family and children investment fund (652-00-7375).....	No limit
Elementary and secondary school aid – federal fund (652-00-3233-3040).....	No limit
Educationally deprived children – state operations – federal fund (652-00-3131-3130).....	No limit
Elementary and secondary school – educationally deprived children – LEA's fund (652-00-3532-3520).....	No limit
Education of handicapped children fund – federal (652-00-3234-3050).....	No limit
Education of handicapped children fund – state operations – federal fund (652-00-3534-3540).....	No limit
Education of handicapped children fund – preschool – federal fund (652-00-3535-3550).....	No limit
Education of handicapped children fund – preschool state operations – federal (652-00-3536-3560).....	No limit
Elementary and secondary school aid – federal fund – migrant education fund (652-00-3537-3570).....	No limit
Elementary and secondary school aid – federal fund – migrant education – state operations (652-00-3538-3580).....	No limit
Vocational education title I – federal fund (652-00-3539-3590).....	No limit
Vocational education title I – federal fund – state operations (652-00-3540-3600).....	No limit
Educational research grants and projects fund (652-00-3592-3070).....	No limit
Inservice education workshop fee fund (652-00-2230-2010).....	No limit

Provided, That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences: *Provided further*, That the state board of education is hereby authorized to fix, charge and collect fees for inservice workshops and conferences: *And provided further*, That such fees shall be fixed in order to recover all or part of such operating expenditures incurred for inservice workshops and conferences: *And provided further*, That all fees received for inservice workshops and conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the inservice education workshop fee fund.

Private donations, gifts, grants and
 bequests fund (652-00-7307-5000).....No limit

Reimbursement for
 services fund (652-00-3056-3200).....No limit

Communities in schools
 program fund (652-00-2221-2400).....No limit

Governor's teaching
 excellence scholarships program
 repayment fund (652-00-7221-7200).....No limit

Provided, That all expenditures from the governor's teaching excellence scholarships program repayment fund shall be made in accordance with K.S.A. 72-2166, and amendments thereto: *Provided further*, That each such grant shall be required to be matched on a \$1 for \$1 basis from nonstate sources: *And provided further*, That award of each such grant shall be conditioned upon the recipient entering into an agreement requiring the grant to be repaid if the recipient fails to complete the course of training under the national board for professional teaching standards certification program: *And provided further*, That all moneys received by the department of education for repayment of grants made under the governor's teaching excellence scholarships program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the governor's teaching excellence scholarships program repayment fund.

State grants for improving teacher quality –
 federal fund (652-00-3526-3860).....No limit

State grants for improving
 teacher quality – federal fund –
 state operations (652-00-3527-3870).....No limit

21st century community learning centers –
 federal fund (652-00-3519-3890).....No limit

State assessments –
 federal fund (652-00-3520-3800).....No limit

Rural and low-income schools program –
 federal fund (652-00-3521-3810).....No limit

TANF children's programs –
 federal fund (652-00-3323-0531).....No limit

ESSA – student support academic enrichment –
 federal fund (652-00-3113-3113).....No limit

Language assistance state grants –

federal fund (652-00-3522-3820).....	No limit
Service clearing fund (652-00-2869-2800).....	No limit
Local school district contribution program checkoff fund (652-00-7005-7005).....	No limit
Educational technology coordinator fund (652-00-2157-2157).....	No limit

Provided, That expenditures shall be made by the above agency for the fiscal year ending June 30, 2020, from the educational technology coordinator fund of the department of education to provide data on the number of school districts served and cost savings for those districts in fiscal year 2020 in order to assess the cost effectiveness of the position of educational technology coordinator.

(c) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2020, the following:

Parent education program (652-00-2000-2510).....	\$8,437,635
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Provided, That any unencumbered balance in the parent education program account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020:

Provided further, That expenditures from the parent education program account for each such grant shall be matched by the school district in an amount that is equal to not less than 50% of the grant.

Children's cabinet accountability fund (652-00-2000-2402).....	\$375,000
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Provided, That any unencumbered balance in the children's cabinet accountability fund account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

CIF grants (652-00-2000-2408).....	\$18,127,914
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Provided, That any unencumbered balance in the CIF grants account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Quality initiative infants and toddlers (652-00-2000-2420).....	\$500,000
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Provided, That any unencumbered balance in the quality initiative infants and toddlers account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Early childhood block grant autism diagnosis (652-00-2000-2422).....	\$50,000
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Provided, That any unencumbered balance in the early childhood block grant autism diagnosis account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Communities aligned in early development and education (652-00-2000-2550).....	\$1,000,000
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Pre-K pilot (652-00-2000-2535).....	\$4,200,000
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(d) On July 1, 2019, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 8-1,148 or 38-1808, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$50,000 from the family and children trust account of the family and children investment fund (652-00-7375-7900) of the department of education to the communities in schools program fund (652-00-2221-2400) of the department of education.

(e) On March 30, 2020, and June 30, 2020, or as soon thereafter as moneys are

available, notwithstanding the provisions of K.S.A. 8-267 or 8-272, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$550,000 from the state safety fund (652-00-2538-2030) to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the state safety fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the state safety fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services that are performed on behalf of the department of education by other state agencies that receive appropriations from the state general fund to provide such services.

(f) On July 1, 2019, and quarterly thereafter, the director of accounts and reports shall transfer \$72,500 from the state highway fund of the department of transportation to the school bus safety fund (652-00-2532-2300) of the department of education.

(g) On July 1, 2019, the director of accounts and reports shall transfer an amount certified by the commissioner of education from the motorcycle safety fund (652-00-2633-2050) of the department of education to the motorcycle safety fund (561-00-2366-2360) of the state board of regents: *Provided*, That the amount to be transferred shall be determined by the commissioner of education based on the amounts required to be paid pursuant to K.S.A. 8-272(b)(2), and amendments thereto.

(h) There is appropriated for the above agency from the expanded lottery act revenues fund for the fiscal year ending June 30, 2020, the following:

KPERS – school employer
contribution (652-00-1700-1700).....\$41,632,883

(i) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$97,250 from the USAC E-rate program federal fund (561-00-3920-3920) of the state board of regents to the education technology coordinator fund (652-00-2157-2157) of the department of education: *Provided*, That the department of education shall provide information and data regarding the number of school districts served and cost savings attained by such school districts in order to assess the cost effectiveness of having this education technology coordinator position: *Provided further*, That such information and data shall be available by the department of education by the end of the fiscal year 2020.

(j) There is appropriated for the above agency from the Kansas endowment for youth fund for the fiscal year ending June 30, 2020, the following:

Children's cabinet administration (652-00-7000-7001).....\$256,234

Provided, That any unencumbered balance in the children's cabinet administration account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(k) During the fiscal year ending June 30, 2020, the commissioner of education, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2020 from the state general fund for the department of education to another item of appropriation for fiscal year 2020 from the state general fund for the department of education. The commissioner of education shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

Sec. 91.

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2021, the following:

State foundation aid (652-00-1000-0820).....\$2,305,700,929

Provided, That any unencumbered balance in the state foundation aid account in excess of \$100 as of June 30, 2020, is hereby reappropriated for fiscal year 2021.

Supplemental state aid (652-00-1000-0840).....\$519,300,000

Provided, That any unencumbered balance in the supplemental state aid account in excess of \$100 as of June 30, 2020, is hereby reappropriated for fiscal year 2021.

KPERS – employer

contributions (652-00-1000-0100).....\$38,417,749

Provided, That any unencumbered balance in the KPERS – employer contributions account in excess of \$100 as of June 30, 2020, is hereby reappropriated for fiscal year 2021: *Provided further*; That all expenditures from the KPERS – employer contributions account shall be for payment of participating employers' contributions to the Kansas public employees retirement system as provided in K.S.A. 74-4939, and amendments thereto: *And provided further*; That expenditures from this account for the payment of participating employers' contributions to the Kansas public employees retirement system may be made regardless of when the liability was incurred.

KPERS – employer

contributions – USDs (652-00-1000-0110).....\$514,524,907

Provided, That any unencumbered balance in the KPERS – employer contributions – USDs account in excess of \$100 as of June 30, 2020, is hereby reappropriated for fiscal year 2021: *Provided further*; That all expenditures from the KPERS – employer contributions – USDs account shall be for payment of participating employers' contributions to the Kansas public employees retirement system as provided in K.S.A. 74-4939, and amendments thereto: *And provided further*; That expenditures from this account for the payment of participating employers' contributions to the Kansas public employees retirement system may be made regardless of when the liability was incurred.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2021, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Mineral production

education fund (652-00-7669-7669).....No limit

State school district

finance fund (652-00-7393-7000).....No limit

(c) There is appropriated for the above agency from the expanded lottery act revenues fund for the fiscal year ending June 30, 2021, the following:

KPERS – school employer

contribution (652-00-1700-1700).....\$41,640,023

Sec. 92.

STATE LIBRARY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Operating expenditures (434-00-1000-0300).....\$1,269,471

Provided, That any unencumbered balance in the operating expenditures account in

excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however;* That expenditures from the operating expenditures account for official hospitality shall not exceed \$755.

Grants to libraries and library systems – grants
 in aid (434-00-1000-0410).....\$1,067,914
Provided, That any unencumbered balance in the grants to libraries and library systems – grants in aid account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Grants to libraries and library systems – interlibrary
 loan development (434-00-1000-0420).....\$1,135,467
Provided, That any unencumbered balance in the grants to libraries and library systems – interlibrary loan development account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Grants to libraries and library systems – talking
 book services (434-00-1000-0430).....\$422,783
Provided, That any unencumbered balance in the grants to libraries and library systems – talking book services account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State library fund (434-00-2076-2500).....	No limit
Federal library services and technology act – fund (434-00-3257-3000).....	No limit
Grants and gifts fund (434-00-7304-7000).....	No limit
Statewide database contribution (434-00-7304-7003).....	No limit

KANSAS STATE SCHOOL FOR THE BLIND

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (604-00-1000-0303).....	\$7,528
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KANSAS STATE SCHOOL FOR THE BLIND

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Operating expenditures (604-00-1000-0303).....	\$5,508,897
<i>Provided,</i> That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: <i>Provided, however;</i> That expenditures from the operating expenditures for official hospitality shall not exceed \$2,000.	
Arts for the handicapped (604-00-1000-0502).....	\$133,847

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund (604-00-2093-2000).....	No limit
Local services	
reimbursement fund (604-00-2088-2500).....	No limit
<i>Provided</i> , That the Kansas state school for the blind is hereby authorized to assess and collect a fee of 20% of the total cost of services provided to local school districts:	
<i>Provided further</i> , That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the local services reimbursement fund.	
Student activity	
fees fund (604-00-2146-2100).....	No limit
Special bequest fund (604-00-7333-5001).....	No limit
Gift fund (604-00-7329-5100).....	No limit
Nine month payroll	
clearing fund (604-00-7714-5200).....	No limit
Education improvement –	
federal fund (604-00-3898-3750).....	No limit
Preparation and mentoring of teachers of the	
blind and visually impaired –	
federal fund (604-00-3184-3180).....	No limit
Special education state grants –	
federal fund (604-00-3234-3234).....	No limit
Federal school lunch –	
federal fund (604-00-3530-3528).....	No limit
School breakfast program –	
federal fund (604-00-3529-3529).....	No limit
Deaf-blind project –	
federal fund (604-00-3583-3583).....	No limit
Safe schools – federal fund (604-00-3569-3569).....	No limit
Child and adult care food program –	
federal fund (604-00-3531-3531).....	No limit
Summer food service program –	
federal fund (604-00-3591-3591).....	No limit

Sec. 95.

KANSAS STATE SCHOOL FOR THE DEAF

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (610-00-1000-0303).....	\$84,553
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Sec. 96.

KANSAS STATE SCHOOL FOR THE DEAF

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Operating expenditures (610-00-1000-0303).....	\$9,248,303
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000.

(b) There is appropriated for the above agency from the following special revenue

fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- General fees fund (610-00-2094-2000).....No limit
 - Local services
 - reimbursement fund (610-00-2091-2200).....No limit
 - Provided*, That the Kansas state school for the deaf is hereby authorized to assess and collect a fee of 20% of the total cost of services provided to local school districts: *Provided further*, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the local services reimbursement fund.
 - Student activity fees fund (610-00-2147-2100).....No limit
 - Special bequest fund (610-00-7321-5500).....No limit
 - Special workshop fund (610-00-7504-5800).....No limit
 - Gift fund (610-00-7330-5600).....No limit
 - Nine month payroll
 - clearing fund (610-00-7715-5700).....No limit
 - Special education state grants –
 - federal fund (610-00-3234-3234).....No limit
 - School breakfast program –
 - federal fund (610-00-3529-3529).....No limit
 - School lunch program
 - federal fund (610-00-3530-3528).....No limit
 - Special education preschool grants –
 - federal fund (610-00-3535-3535).....No limit
 - Universal newborn screening –
 - federal fund (610-00-3459-3459).....No limit
 - Summer food service program –
 - federal fund (610-00-3591-3591).....No limit
- Sec. 97.

STATE HISTORICAL SOCIETY

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the heritage trust fund (288-00-7379-7600) of the state historical society for state operations is hereby increased from \$57,992 to \$59,284.

Sec. 98.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

- Operating expenditures (288-00-1000-0083).....\$4,110,152
- Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.
- Kansas humanities council (288-00-1000-0600).....\$50,501

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other

than refunds authorized by law shall not exceed the following:

- Credit card clearing fund (288-00-9455-9400).....No limit
- Vehicle repair and replacement fund (288-00-6166-6000).....No limit
- General fees fund (288-00-2047-2300).....No limit
- Archeology fee fund (288-00-2638-2350).....No limit

Provided, That expenditures may be made from the archeology fee fund for operating expenses for providing archeological services by contract: *Provided further*, That the state historical society is hereby authorized to fix, charge and collect fees for the sale of such services: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing archeological services by contract: *And provided further*, That all fees received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the archeology fee fund.

- Conversion of materials and equipment fund (288-00-2436-2700).....No limit
- Soil/water conservation fund (288-00-3083-3110).....No limit
- Microfilm fees fund (288-00-2246-2370).....No limit

Provided, That expenditures may be made from the microfilm fees fund for operating expenses for providing imaging services: *Provided further*, That the state historical society is hereby authorized to fix, charge and collect fees for the sale of such services: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing imaging services: *And provided further*, That all fees received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the microfilm fees fund.

- Records center fee fund (288-00-2132-2100).....No limit

Provided, That expenditures may be made from the records center fee fund for operating expenses for state records and for the trusted digital repository for electronic government records.

- Historic properties fee fund (288-00-2164-2310).....No limit
- Historic preservation grants in aid fund (288-00-3089-3700).....No limit
- Historic preservation overhead fees fund (288-00-2916-2380).....No limit
- National historic preservation act fund – local (288-00-3089-3000).....No limit

- Private gifts, grants and bequests fund (288-00-7302-7000).....No limit

- Museum and historic sites visitor donation fund (288-00-2142-2250).....No limit

- Insurance collection replacement/ reimbursement fund (288-00-2182-2320).....No limit
- Heritage trust fund (288-00-7379-7600).....No limit

Provided, That expenditures from the heritage trust fund for state operations shall not exceed \$64,820.

- Land survey fee fund (288-00-2234-2330).....No limit

Provided, That, notwithstanding the provisions of K.S.A. 58-2011, and amendments thereto, expenditures may be made by the above agency from the land survey fee fund for the fiscal year 2020 for operating expenditures that are not related to administering the land survey program.

National trails fund (288-00-3553-3353).....	No limit
State historical society	
facilities fund (288-00-2192-2420).....	No limit
Historic properties fund (288-00-2144-2400).....	No limit
Law enforcement	
memorial fund (288-00-7344-7300).....	No limit
Highway planning/	
construction fund (288-00-3333-3333).....	No limit
Save America's	
treasures fund (288-00-3923-4000).....	No limit
Archeology federal fund (288-00-2638-2350).....	No limit
Property sale proceeds fund (288-00-2414-2500).....	No limit

Provided, That proceeds from the sale of property pursuant to K.S.A. 75-2701, and amendments thereto, shall be deposited in the state treasury and credited to the property sale proceeds fund.

(c) Notwithstanding the provisions of K.S.A. 75-2721, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2020, in addition to the other purposes for which expenditures may be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2020, as authorized by this or other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2020 to fix admission fees at constitution hall in Lecompton, Kansas, at \$3 per adult single admission, \$1 per student single admission, \$2 per student for guided tours and \$3 per adult for guided tours: *Provided, however*; That such admission fees may be increased by the above agency during fiscal year 2020 if all moneys from such admission fees are invested in constitution hall and the total amount of such admission fees exceeds the amount of the Lecompton historical society's constitution hall promotional expenses as determined by the average of such promotional expenses for the preceding three calendar years: *Provided further*; That the state historical society may request annual financial statements from the Lecompton historical society for the purpose of calculating such three-year average of promotional expenses.

Sec. 99.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Operating expenditures (including	
official hospitality) (246-00-1000-0013).....	\$32,830,406

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Master's-level	
nursing capacity (246-00-1000-0100).....	\$130,881

Kansas wetlands education center at
 Cheyenne bottoms (246-00-1000-0200).....\$257,224
Provided, That any unencumbered balance in the Kansas wetlands education center at
 Cheyenne bottoms account in excess of \$100 as of June 30, 2019, is hereby
 reappropriated for fiscal year 2020.

Kansas academy of math
 and science (246-00-1000-0300).....\$719,946
Provided, That any unencumbered balance in the Kansas academy of math and
 science account in excess of \$100 as of June 30, 2019, is hereby reappropriated for
 fiscal year 2020.

(b) There is appropriated for the above agency from the following special revenue
 fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter
 lawfully credited to and available in such fund or funds, except that expenditures shall
 not exceed the following:

Parking fees fund (246-00-5185-5050).....No limit

Provided, That expenditures may be made from the parking fees fund for a capital
 improvement project for parking lot improvements.

General fees fund (246-00-2035-2000).....No limit

Provided, That expenditures may be made from the general fees fund to match
 federal grant moneys: *Provided further*, That expenditures may be made from the
 general fees fund for official hospitality.

Restricted fees fund (246-00-2510-2040).....No limit

Provided, That restricted fees shall be limited to receipts for the following accounts:
 Special events; technology equipment; Gross coliseum services; capital improvements;
 performing arts center services; farm income; choral music clinic; yearbook; off-
 campus tours; memorial union activities; student activity (unallocated); tiger media;
 conferences, clinics and workshops – noncredit; summer laboratory school; little
 theater; library services; student affairs; speech and debate; student government;
 counseling center services; interest on local funds; student identification cards; nurse
 education programs; athletics; placement fees; virtual college classes; speech and
 hearing; child care services for dependent students; computer services; interactive
 television contributions; midwestern student exchange; departmental receipts for all
 sales, refunds and other collections not specifically enumerated above: *Provided*,
however, That the state board of regents, with the approval of the state finance council
 acting on this matter, which is hereby characterized as a matter of legislative delegation
 and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments
 thereto, may amend or change this list of restricted fees: *Provided further*, That all
 restricted fees shall be deposited in the state treasury in accordance with the provisions
 of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate
 account of the restricted fees fund and shall be used solely for the specific purpose or
 purposes for which collected: *And provided further*, That expenditures may be made
 from this fund to purchase insurance for equipment purchased through research and
 training grants only if such grants include money for and authorize the purchase of such
 insurance: *And provided further*, That all amounts of tuition received from students
 participating in the midwestern student exchange program shall be deposited in the state
 treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto,
 and shall be credited to the midwestern student exchange account of the restricted fees

fund: *And provided further,* That expenditures may be made from the restricted fees fund for official hospitality.

Education opportunity act –

- federal fund (246-00-3394-3500).....No limit
- Service clearing fund (246-00-6000).....No limit

Provided, That the service clearing fund shall be used for the following service activities: Computer services, storeroom for official supplies including office supplies, paper products, janitorial supplies, printing and duplicating, car pool, postage, copy center, and telecommunications and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

- Commencement fees fund (246-00-2511-2050).....No limit
- Health fees fund (246-00-5101-5000).....No limit

Provided, That expenditures from the health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.

- Student union fees fund (246-00-5102-5010).....No limit

Provided, That expenditures may be made from the student union fees fund for official hospitality.

Kansas career work study

- program fund (246-00-2548-2060).....No limit

Economic opportunity act –

- federal fund (246-00-3034-3000).....No limit

Faculty of distinction

- matching fund (246-00-2471-2400).....No limit

Nine month payroll clearing

- account fund (246-00-7709-7060).....No limit

Federal Perkins student

- loan fund (246-00-7501-7050).....No limit

Housing system

- revenue fund (246-00-5103-5020).....No limit

Provided, That expenditures may be made from the housing system revenue fund for official hospitality.

- Institutional overhead fund (246-00-2900-2070).....No limit

- Oil and gas royalties fund (246-00-2036-2010).....No limit

Housing system

- suspense fund (246-00-5707-5090).....No limit

Sponsored research

- overhead fund (246-00-2914-2080).....No limit

Kansas distinguished

- scholarship fund (246-00-7204-7000).....No limit

- Temporary deposit fund (246-00-9013-9400).....No limit

Federal receipts

- suspense fund (246-00-9105-9410).....No limit

- Suspense fund (246-00-9134-9420).....No limit

Mandatory retirement annuity

- clearing fund (246-00-9136-9430).....No limit

Voluntary tax shelter annuity

clearing fund (246-00-9163-9440).....	No limit
Agency payroll deduction	
clearing fund (246-00-9197-9450).....	No limit
Pre-tax parking	
clearing fund (246-00-9220-9200).....	No limit
University payroll fund (246-00-9800).....	No limit
University federal fund (246-00-3141-3140).....	No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *Provided further*, That expenditures may be made by the above agency from this fund to procure a policy of accident, personal liability and excess automobile liability insurance insuring volunteers participating in the senior companion program against loss in accordance with specifications of federal grant guidelines as provided in K.S.A. 75-4101, and amendments thereto.

Lewis field stadium revenue fund (246-00-5150-5180).....No limit

(c) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Fort Hays state university of not to exceed \$125,000 from the general fees fund (246-00-2035-2000) to the federal Perkins student loan fund (246-00-7501-7050).

Sec. 100.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Operating expenditures (including official hospitality) (367-00-1000-0003).....	\$94,287,403
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Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Midwest institute for comparative stem cell biology (367-00-1000-0170).....	\$129,833
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Provided, That any unencumbered balance in the midwest institute for comparative stem cell biology account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Global food systems (367-00-1000-0190).....	\$5,000,000
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Provided, That unencumbered balance in the global food systems account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That all moneys in the global food systems account expended for fiscal year 2020 shall be matched by Kansas state university on a \$1 for \$1 basis from other moneys of Kansas state university: *And provided further*, That Kansas state university shall submit a plan to the house committee on appropriations, the senate committee on ways and means and the governor as to how the global food systems-related activities create additional jobs in the state and other economic value, particularly for and with the private sector, for fiscal year 2020.

Kansas state university polytechnic campus (including official hospitality) (367-00-1000-0150).....	\$6,658,717
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Provided, That any unencumbered balance in the Kansas state university polytechnic campus (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund (367-00-5181).....No limit

Provided, That expenditures may be made from the parking fees fund for capital improvement projects for parking improvements.

Faculty of distinction

 matching fund (367-00-2472-2500).....No limit

 General fees fund (367-00-2062-2000).....No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further*, That expenditures may be made from the general fees fund for official hospitality.

Interest on endowment fund (367-00-7100-7200).....No limit

Restricted fees fund (367-00-2520-2080).....No limit

Provided, That restricted fees shall be limited to receipts for the following accounts:

Technology equipment; flight services; communications and marketing; computer services; copy centers; standardized test fees; placement center; recreational services; college of technology and aviation; motor pool; music; professorships; student activities fees; army and aerospace uniforms; aerospace uniform augmentation; biology sales and services; chemistry; field camps; state department of education; physics storeroom; sponsored research, instruction, public service, equipment and facility grants; chemical engineering; nuclear engineering; contract-post office; library collections; civil engineering; continuing education; sponsored construction or improvement projects; attorney, educational and personal development, human capital resources; student financial assistance; application for undergraduate programs; speech and hearing fees; gifts; human development and family research and training; college of education – publications and services; guaranteed student loan application processing; student identification card; auditorium receipts; catalog sales; emission spectroscopy fees; interagency consulting; sales and services of educational programs; transcript fees; facility use fees; human ecology storeroom; college of human ecology sales; family resource center fees; human movement performance; application for post baccalaureate programs; art exhibit fees; college of education – Kansas careers; foreign student application fee; student union repair and replacement reserve; departmental receipts for all sales, refunds and other collections; institutional support fee; miscellaneous renovations – construction; speech receipts; art museum; exchange program; flight training lab fees; administrative reimbursements; parking fees; postage center; printing; short courses and conferences; student government association receipts; regents educational communications center; late registration fee; engineering equipment fee; architecture equipment fee; biotechnology facility; English language program; international programs; Bramlage coliseum; planning and analysis; telecommunications; comparative medicine; Marlatt memorial park; departmental student organization receipts; other specifically designated receipts not available for general operations of the university: *Provided, however*, That the state board of regents,

with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That expenditures from the restricted fees fund may be made for the purchase of insurance for operation and testing of completed project aircraft and for operation of aircraft used in professional pilot training, including coverage for public liability, physical damage, medical payments and voluntary settlement coverages: *And provided further*, That expenditures may be made from this fund for official hospitality.

Kansas career work study

- program fund (367-00-2540-2090).....No limit
- Service clearing fund (367-00-6003-7000).....No limit

Provided, That the service clearing fund shall be used for the following service activities: Supplies stores; telecommunications services; photographic services; K-State printing services; postage; facilities services; facilities carpool; public safety services; facility planning services; facilities storeroom; computing services; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Sponsored research

- overhead fund (367-00-2901-2160).....No limit

Provided, That expenditures may be made from the sponsored research overhead fund for official hospitality.

Housing system

- suspense fund (367-00-5708-4830).....No limit
- Housing system operations fund (367-00-5163).....No limit

Provided, That expenditures may be made from the housing system operations fund for official hospitality.

State emergency fund –

- building repair (367-00-2451-2451).....No limit
- Housing system repair, equipment and improvement fund (367-00-5641-4740).....No limit

Coliseum system repair, equipment and

- improvement fund (367-00-5642-4750).....No limit

Mandatory retirement annuity

- clearing fund (367-00-9137-9310).....No limit

Student health fees fund (367-00-5109-4410).....No limit

Provided, That expenditures from the student health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.

Scholarship funds fund (367-00-7201-7210).....No limit

Perkins student loan fund (367-00-7506-7260).....No limit

Federal award advance payment – U.S. department of education awards fund (367-00-3855-3350).....	No limit
State agricultural university fund (367-00-7400-7250).....	No limit
Salina – student union fees fund (367-00-5114-4420).....	No limit
Salina – housing system revenue fund (367-00-5117-4430).....	No limit
Salina – housing system suspense fund (367-00-5724-4890).....	No limit
Kansas comprehensive grant fund (367-00-7223-7300).....	No limit
Temporary deposit fund (367-00-9020-9300).....	No limit
Business procurement card clearing fund (367-00-9102-9400).....	No limit
Suspense fund (367-00-9146-9320).....	No limit
Voluntary tax shelter annuity clearing fund (367-00-9164-9330).....	No limit
Agency payroll deduction clearing fund (367-00-9186-9360).....	No limit
Pre-tax parking clearing fund (367-00-9221-9200).....	No limit
Salina student life center revenue fund (367-00-5111-5120).....	No limit
Child care facility revenue fund (367-00-5125-5101).....	No limit
University federal fund (367-00-3142).....	No limit
<i>Provided</i> , That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.	
Animal health research fund (367-00-2053-2053).....	No limit
National bio agro-defense facility fund (367-00-2058-2058).....	No limit
<i>Provided</i> , That all expenditures from the national bio agro-defense facility fund shall be expended in accordance with the governor's national bio agro-defense facility steering committee's plan and shall be approved by the president of Kansas state university.	
Kan-grow engineering fund – KSU (367-00-2154-2154).....	No limit
Payroll clearing fund (367-00-9801-9000).....	No limit
Fed ext emp clearing fund – employee deduct (367-00-9182-9340).....	No limit
Fed ext emp clearing fund – employer deduct (367-00-9183-9350).....	No limit

Temp dep fund
external source (367-00-9065-9305).....No limit

Nine month payroll
clearing fund (367-00-7710-7270).....No limit

Interest bearing grants fund (367-00-2630-2630).....No limit

Provided, That, on or before the 10th day of each month commencing during fiscal year 2020, the director of accounts and reports shall transfer from the state general fund to the interest bearing grants fund interest earnings based on: (1) The average daily balance in the interest bearing grants fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

Student union renovation expansion
revenue fund (367-00-5191-4650).....No limit

(c) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Kansas state university of not to exceed \$100,000 from the general fees fund (367-00-2062-2000) to the Perkins student loan fund (367-00-7506-7260).

Sec. 101.

KANSAS STATE UNIVERSITY EXTENSION SYSTEMS
AND AGRICULTURE RESEARCH PROGRAMS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Cooperative extension service (including
official hospitality) (369-00-1000-1020).....\$18,165,563

Provided, That any unencumbered balance in the cooperative extension service (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Agricultural experiment stations (including
official hospitality) (369-00-1000-1030).....\$29,085,091

Provided, That any unencumbered balance in the agricultural experiment stations (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Wildfire suppression/state forest service.....\$650,000

Provided, That any unencumbered balance in the wildfire suppression/state forest service account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Restricted fees fund (369-00-2697-1100).....No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Plant pathology; Kansas artificial breeding service unit; technology equipment; professorships; agricultural experiment station, director's office; agronomy – Ashland farm; KSU agricultural research center – Hays; KSU southeast agricultural research center; KSU southwest research extension center; agronomy – general; agronomy – experimental field crop sales; entomology sales; grain science and industry – Kansas state university; food and nutrition research; extension services and publication;

sponsored construction or improvement projects; gifts; comparative medicine; sales and services of educational programs; animal sciences and industry livestock and product sales; horticulture greenhouse and farm products sales; Konza prairie operations; departmental receipts for all sales, refunds and other collections; institutional support fee; KSU northwest research extension center operations; sponsored research, public service, equipment and facility grants; statistical laboratory; equipment/pesticide storage building; miscellaneous renovation – construction; other specifically designated receipts not available for general operations of the university: *Provided, however,* That the state board of regents, with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, may amend or change this list of restricted fees: *Provided further,* That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further,* That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further,* That expenditures may be made from the Kansas agricultural mediation service account of the restricted fees fund during fiscal year 2020: *And provided further,* That expenditures may be made from this fund for official hospitality. Fertilizer research fund (369-00-2263-1150).....No limit

Sponsored research
 overhead fund (369-00-2921-1200).....No limit
Provided, That expenditures may be made from the sponsored research overhead fund for official hospitality.

Federal awards – advance
 payment fund (369-00-3872-1360).....No limit
 Smith-Lever special program grant –
 federal fund (369-00-3047-1330).....No limit

Faculty of distinction
 matching fund (369-00-2479-1190).....No limit

Agricultural land
 use-value fund (369-00-2364-1180).....No limit
 University federal fund (369-00-3144).....No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

(c) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2020, the following:

Agricultural experiment
 stations (369-00-1900-1900).....\$295,046
 Sec. 102.

KANSAS STATE UNIVERSITY
 VETERINARY MEDICAL CENTER

(a) There is appropriated for the above agency from the state general fund for the

fiscal year ending June 30, 2020, the following:

Operating expenditures (including official hospitality) (368-00-1000-5003).....\$9,576,408

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Operating enhancement (368-00-1000-5023).....\$5,005,170

Provided, That any unencumbered balance in the operating enhancement account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020:

Provided further, That all expenditures from the operating enhancement account shall be expended in accordance with the plan submitted by the board of regents for improving the rankings of the Kansas state university veterinary medical center and shall be approved by the president of Kansas state university.

Veterinary training program for

rural Kansas (368-00-1000-5013).....\$400,000

Provided, That any unencumbered balance in the veterinary training program for rural Kansas account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

General fees fund (368-00-2129-5500).....No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further*, That expenditures may be made from the general fees fund for official hospitality.

Vet health center revenue fund (including

official hospitality) (368-00-5160-5300).....No limit

Faculty of distinction

matching fund (368-00-2478-5220).....No limit

Restricted fees fund (368-00-2590-5530).....No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Sponsored research, instruction, public service, equipment and facility grants; sponsored construction or improvement projects; technology equipment; pathology fees; laboratory test fees; miscellaneous renovations or construction; dean of veterinary medicine receipts; gifts; application for postbaccalaureate programs; professorship; embryo transfer unit; swine serology; rapid focal fluorescent inhibition test; comparative medicine; storerooms; departmental receipts for all sales, refunds and other collections; departmental student organization receipts; other specifically designated receipts not available for general operation of the Kansas state university veterinary medical center: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific

purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That expenditures may be made from this fund for official hospitality.

Health professions student

loan fund (368-00-7521-5710).....No limit
University federal fund (368-00-3143-5140).....No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

(c) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Kansas state university of not to exceed a total of \$15,000 from the general fees fund (368-00-2129-5500) to the health professions student loan fund (368-00-7521-5710).

Sec. 103.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Operating expenditures (including
official hospitality) (379-00-1000-0083).....\$31,614,781

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Reading recovery program (379-00-1000-0100).....\$212,552

Provided, That expenditures may be made from the reading recovery program account for official hospitality.

Nat'l board cert/future

teacher academy (379-00-1000-0200).....\$129,050

Provided, That expenditures may be made from the nat'l board cert/future teacher academy account for official hospitality.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund (379-00-5186).....No limit

Provided, That expenditures may be made from the parking fees fund for a capital improvement project for parking lot improvements.

General fees fund (379-00-2069-2010).....No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further*, That expenditures may be made from the general fees fund for official hospitality.

Interest on state normal

school fund (379-00-7101-7000).....No limit

Restricted fees fund (379-00-2526-2040).....No limit

Provided, That restricted fees shall be limited to receipts for the following accounts:

Computer services, student activity; technology equipment; student union; sponsored research; computer services; extension classes; gifts and grants (for teaching, research and capital improvements); capital improvements; business school contributions; state department of education (vocational); library services; library collections; interest on local funds; receipts from conferences, clinics, and workshops held on campus for which no college credit is given; physical plant reimbursements from auxiliary enterprises; midwestern student exchange; departmental receipts – for all sales, refunds and other collections or receipts not specifically enumerated above: *Provided, however*; That the state board of regents, with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, may amend or change this list of restricted fees: *Provided further*; That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*; That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*; That all amounts of tuition received from students participating in the midwestern student exchange program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the midwestern student exchange account of the restricted fees fund: *And provided further*; That expenditures may be made from the restricted fees fund for official hospitality.

- Service clearing fund (379-00-6004).....No limit
Provided, That the service clearing fund shall be used for the following service activities: Telecommunications services; state car operation; ESU press including duplicating and reproducing; postage; physical plant storeroom including motor fuel inventory; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.
- Commencement fees fund (379-00-2527-2050).....No limit
- Kansas career work study program fund (379-00-2549-2060).....No limit
- Student health fees fund (379-00-5115-5010).....No limit
Provided, That expenditures from the student health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.
- Faculty of distinction matching fund (379-00-2473-2400).....No limit
- Bureau of educational measurements fund (379-00-5118-5020).....No limit
- National direct student loan fund (379-00-7507-7040).....No limit
- Economic opportunity act – work study – federal fund (379-00-3128-3000).....No limit
- Educational opportunity grants – federal fund (379-00-3129-3010).....No limit

Basic opportunity grant program – federal fund (379-00-3130-3020).....	No limit
Research and institutional overhead fund (379-00-2902-2070).....	No limit
Kansas comprehensive grant fund (379-00-7224-7060).....	No limit
Housing system suspense fund (379-00-5701-5130).....	No limit
Housing system operations fund (379-00-5169-5050).....	No limit
Kansas distinguished scholarship fund (379-00-2762-2700).....	No limit
University federal fund (379-00-3145).....	No limit
<i>Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.</i>	
Twin towers project revenue fund (379-00-5120-5030).....	No limit
Nine month payroll clearing fund (379-00-7712-7050).....	No limit
Temporary deposit fund (379-00-9022-9510).....	No limit
Federal receipts suspense fund (379-00-9085-9520).....	No limit
Suspense fund (379-00-9021).....	No limit
Mandatory retirement annuity clearing fund (379-00-9138-9530).....	No limit
Voluntary tax shelter annuity clearing fund (379-00-9165-9540).....	No limit
Agency payroll deduction clearing fund (379-00-9196-9550).....	No limit
Pre-tax parking clearing fund (379-00-9222-9200).....	No limit
University payroll fund (379-00-9802).....	No limit
Leveraging educational assistance partnership federal fund (379-00-3224-3200).....	No limit
National direct student loan fund (379-00-7507-7040).....	No limit
Student union refurbishing fund (379-00-5161-5040).....	No limit
Housing system repairs, equipment and improvement fund (379-00-5650-5120).....	No limit
(c) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Emporia state university of not to exceed \$30,000 from the general fees fund (379-00-2069-2010) to the national direct student loan fund (379-00-7507-7040).	

Sec. 104.

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Operating expenditures (including
official hospitality) (385-00-1000-0063).....\$34,124,230

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

School of construction (385-00-1000-0200).....\$746,787

Provided, That any unencumbered balance in the school of construction account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Polymer science program (385-00-1000-0300).....\$1,001,741

Provided, That any unencumbered balance in the polymer science program account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund (385-00-5187-5060).....No limit

Provided, That expenditures may be made from the parking fees fund for capital improvement projects for parking lot improvements.

General fees fund (385-00-2070-2010).....No limit

Provided, That all moneys received for tuition received from students participating in the gorilla advantage program or the midwestern student exchange program shall be deposited in the state treasury to the credit of the general fees fund: *Provided further*; That expenditures may be made from the general fees fund to match federal grant moneys: *And provided further*; That expenditures may be made from the general fees fund for official hospitality.

Restricted fees fund (385-00-2529-2040).....No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Computer services; capital improvements; instructional technology fee; technology equipment; student activity fee accounts; commencement fees; ROTC activities; continuing education receipts; vocational auto parts and service fees; receipts from camps, conferences and meetings held on campus; library service collections and fines; grants from other state agencies; *Midwest Quarterly*; chamber music series; contract – post office; gifts and grants; intensive English program; business and technology institute; public sector radio station activities; economic opportunity – state match; Kansas career work study; regents supplemental grants; departmental receipts, and other specifically designated receipts not available for general operations of the university: *Provided, however*; That the state board of regents, with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, may amend or change this list of restricted fees: *Provided further*; That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*; That expenditures may be made from this fund to purchase insurance for equipment purchased through

research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That surplus restricted fees moneys generated by the music department may be transferred to the Pittsburg state university foundation, inc., for the express purpose of awarding music scholarships: *And provided further*, That expenditures may be made from this fund for official hospitality.

Service clearing fund (385-00-6005).....No limit

Provided, That the service clearing fund shall be used for the following service activities: Duplicating and printing services; instructional media division; office stationery and supplies; motor carpool; postage services; photo services; telephone services; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Hospital and student health

fees fund (385-00-5126-5010).....No limit

Provided, That expenditures from the hospital and student health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center: *Provided further*, That expenditures may be made from this fund for capital improvement projects for hospital and student health center improvements.

Suspense fund (385-00-9024-9510).....No limit

Faculty of distinction

matching fund (385-00-2474-2400).....No limit

Perkins student loan fund (385-00-7509-7020).....No limit

Sponsored research

overhead fund (385-00-2903-2903).....No limit

College work study

federal fund (385-00-3498-3030).....No limit

Nursing student loan fund (385-00-7508-7010).....No limit

Housing system

suspense fund (385-00-5703-5170).....No limit

Housing system

operations fund (385-00-5165-5050).....No limit

Housing system repairs, equipment and

improvement fund (385-00-5646-5160).....No limit

Kansas comprehensive

grant fund (385-00-7227-7200).....No limit

Kansas career work study

program fund (385-00-2552-2060).....No limit

Nine month payroll

clearing fund (385-00-7713-7030).....No limit

Payroll clearing fund (385-00-9023-9500).....No limit

Temporary deposit fund (385-00-9025-9520).....No limit

Federal receipts

suspense fund (385-00-9104-9530).....No limit

BPC clearing fund (385-00-9109-9570).....No limit

Mandatory retirement annuity

clearing fund (385-00-9139-9540).....No limit

Voluntary tax shelter annuity

clearing fund (385-00-9166-9550).....	No limit
Agency payroll deduction	
clearing fund (385-00-9195-9560).....	No limit
Pre-tax parking	
clearing fund (385-00-9223-9200).....	No limit
University payroll fund (385-00-9803).....	No limit
University federal fund (385-00-3146).....	No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

Overman student center	
renovation fund (385-00-2820-2820).....	No limit
Student health center	
revenue fund (385-00-2828-2851).....	No limit
Horace Mann building	
renovation fund (385-00-2833).....	No limit
Revenue 2014A fund (385-00-5106-5105).....	No limit

(c) During the fiscal year ending June 30, 2020, the director of accounts and reports shall transfer amounts specified by the president of Pittsburg state university of not to exceed a total of \$125,000 for all such amounts, from the general fees fund (385-00-2070-2010) to the following specified funds and accounts of funds: Perkins student loan fund (385-00-7509-7020); nursing student loan fund (385-00-7508-7010).

Sec. 105.

UNIVERSITY OF KANSAS

(a) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer amounts specified by the chancellor of the university of Kansas of not to exceed a total of \$325,000 for all such amounts, from the general fees fund (682-00-2107-2000) to the following specified funds and accounts of funds: Federal Perkins loan fund (682-00-7512-7040); educational opportunity act – federal fund (682-00-3842-3020); university federal fund (682-00-3147-3140); health professions student loan fund (682-00-7513-7050); loans for disadvantaged students fund (682-00-7510-7100).

(b) On the effective date of this act, the provisions of section 130(c) of chapter 104 of the 2017 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

Sec. 106.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Operating expenditures (including	
official hospitality) (682-00-1000-0023).....	\$128,239,467
<i>Provided</i> , That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.	
Geological survey (682-00-1000-0170).....	\$5,963,998
<i>Provided</i> , That any unencumbered balance in the geological survey account in excess	

of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That in addition to the other purposes for which expenditures may be made by the above agency from the geological survey account of the state general fund for fiscal year 2020, expenditures shall be made by the above agency from the geological survey account of the state general fund for fiscal year 2020 for seismic surveys in an amount not less than \$100,000.

Umbilical cord

matrix project (682-00-1000-0370).....\$130,376

Provided, That any unencumbered balance in the umbilical cord matrix project account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking facilities

revenue fund (682-00-5175-5070).....No limit

Provided, That expenditures may be made from the parking facilities revenue fund for capital improvement projects for parking improvements.

Faculty of distinction

matching fund (682-00-2475-2500).....No limit

General fees fund (682-00-2107-2000).....No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys.

Interest fund (682-00-7103-7000).....No limit

Sponsored research

overhead fund (682-00-2905-2160).....No limit

Law enforcement training

center fund (682-00-2133-2020).....No limit

Provided, That expenditures may be made from the law enforcement training center fund to cover the costs of tuition for students enrolled in the law enforcement training program in addition to the costs of salaries and wages and other operating expenditures for the program: *Provided further*, That expenditures may be made from the law enforcement training center fund for the acquisition of tracts of land.

Law enforcement training center

fees fund (682-00-2763-2700).....No limit

Provided, That all moneys received for tuition from students enrolling in the basic law enforcement training program for undergraduate or graduate credit shall be deposited in the state treasury and credited to the law enforcement training center fees fund.

Restricted fees fund (682-00-2545).....No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Institute for policy and social research; technology equipment; capital improvements; concert course; speech, language and hearing clinic; perceptual motor clinic; application for admission fees; named professorships; summer institutes and workshops; dramatics; economic opportunity act; executive management; continuing education programs; geology field trips; gifts and grants; extension services; counseling center; investment

income from bequests; reimbursable salaries; music and art camp; child development lab preschools; orientation center; educational placement; press publications; Rice estate educational project; sponsored research; student activities; sale of surplus books and art objects; building use charges; Kansas applied remote sensing program; executive master's degree in business administration; applied English center; cartographic services; economic education; study abroad programs; computer services; recreational activities; animal care activities; geological survey; midwestern student exchange; department commercial receipts for all sales, refunds, and all other collections or receipts not specifically enumerated above: *Provided, however,* That the state board of regents, with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, may amend or change this list of restricted fees: *Provided further,* That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further,* That moneys received for student fees in any account of the restricted fees fund may be transferred to one or more other accounts of the restricted fees fund.

Service clearing fund (682-00-6006).....	No limit
<i>Provided,</i> That the service clearing fund shall be used for the following service activities: Residence hall food stores; university motor pool; military uniforms; telecommunications service; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.	
Health service fund (682-00-5136-5030).....	No limit
Kansas career work study program fund (682-00-2534-2050).....	No limit
Student union fund (682-00-5137-5040).....	No limit
Federal Perkins loan fund (682-00-7512-7040).....	No limit
Health professions student loan fund (682-00-7513-7050).....	No limit
Housing system suspense fund (682-00-5704-5150).....	No limit
Housing system operations fund (682-00-5142-5050).....	No limit
Housing system repairs, equipment and improvement fund (682-00-5621-5110).....	No limit
Educational opportunity act – federal fund (682-00-3842-3020).....	No limit
Loans for disadvantaged students fund (682-00-7510-7100).....	No limit
Prepaid tuition fees clearing fund (682-00-7765).....	No limit
Kansas comprehensive grant fund (682-00-7226-7110).....	No limit
Fire service training fund (682-00-2123-2170).....	No limit
University federal fund (682-00-3147).....	No limit

Johnson county education research	
triangle fund (682-00-2393-2390).....	No limit
Temporary deposit fund (682-00-9061-9020).....	No limit
Suspense fund (682-00-9060-9010).....	No limit
BPC clearing fund (682-00-9119-9050).....	No limit
Mandatory retirement annuity	
clearing fund (682-00-9142-9030).....	No limit
Voluntary tax shelter annuity	
clearing fund (682-00-9167-9040).....	No limit
Agency payroll deduction	
clearing fund (682-00-9193-9060).....	No limit
Pre-tax parking clearing fund (682-00-9224-9200).....	No limit
University payroll fund (682-00-9806).....	No limit
GTA/GRA emp health insurance	
clearing fund (682-00-9063-9070).....	No limit
Standard water data	
repository fund (682-00-2463-2463).....	No limit
Multicultural rescr center	
construction fund (682-00-2890-2890).....	No limit
Kan-grow engineering	
fund – KU (682-00-2153-2153).....	No limit
Child care facility revenue	
bond fund (682-00-2372).....	No limit
Student recreation fitness center	
KDFA fund (682-00-2864-2860).....	No limit
Student union renovation	
revenue fund (682-00-5171-5060).....	No limit
Parking facility KDFA 1993G	
revenue fund (682-00-5175-5070).....	No limit
Student health facility	
maintenance, repair and equipment	
fee fund (682-00-5640-5120).....	No limit

(c) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer amounts specified by the chancellor of the university of Kansas of not to exceed a total of \$325,000 for all such amounts, from the general fees fund (682-00-2107-2000) to the following specified funds and accounts of funds: Federal Perkins loan fund (682-00-7512-7040); educational opportunity act – federal fund (682-00-3842-3020); university federal fund (682-00-3147-3140); health professions student loan fund (682-00-7513-7050); loans for disadvantaged students fund (682-00-7510-7100).

(d) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2020, for the water plan project or projects specified, the following:

Geological survey (682-00-1800-1810).....\$26,841

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2019, in the geological survey account is hereby reappropriated for fiscal year 2020.

Sec. 107.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Operating expenditures (including official hospitality) (683-00-1000-0503).....\$99,571,692

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*; That expenditures from this account may be used to reimburse medical residents in residency programs located in Kansas City at the university of Kansas medical center for the purchase of health insurance for residents' dependents.

Medical scholarships and loans (683-00-1000-0600).....\$4,488,171

Provided, That any unencumbered balance in the medical scholarships and loans account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Midwest stem cell therapy center (683-00-1000-0800).....\$749,822

Provided, That any unencumbered balance in the midwest stem cell therapy center account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Rural health bridging (683-00-1000-1010).....\$140,000
Cancer center research (683-00-1000-0700).....\$4,957,327

Provided, That any unencumbered balance in the cancer center research account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*; That all moneys in the cancer center research account expended for fiscal year 2020 shall be matched by the university of Kansas medical center on a \$1 for \$1 basis from other moneys of the university of Kansas medical center: *And provided further*; That the university of Kansas medical center shall submit a plan to the house committee on appropriations, the senate committee on ways and means and the governor as to how cancer center research-related activities create additional jobs in the state and other economic value, particularly for and with the private sector, for fiscal year 2020.

Medical scholarships and loans psychiatry (683-00-1000).....\$970,000

Provided, That any unencumbered balance in the medical scholarships and loans psychiatry account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Rural health bridging psychiatry (683-00-1000).....\$30,000

Provided, That any unencumbered balance in the rural health bridging psychiatry account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

General fees fund (683-00-2108-2500).....No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys.

Midwest stem cell therapy center fund (683-00-2072-2072).....	\$0
Faculty of distinction matching fund (683-00-2476-2400).....	No limit
Restricted fees fund (683-00-2551).....	No limit

Provided, That restricted fees shall be limited to the following accounts: Technology equipment; capital improvements; computer services; expenses reimbursed by the Kansas university endowment association; postgraduate fees; pathology fees; student health insurance premiums; gift receipts; designated research collaboration; facilities use; photography; continuing education; student activity fees; student application fees; department duplicating; student health services; student identification badges; student transcript fees; loan administration fees; fitness center fees; occupational health fees; employee health; telekid care fees; area outreach fees; police fees; endowment payroll reimbursement; rental property; e-learning fees; surplus property sales; outreach air travel; student loan legal fees; hospital authority salary reimbursements; graduate medical education contracts; Kansas university physicians inc., salaries reimbursements; housestaff activity fees; anatomy cadavers; biotechnology services; energy center funded depreciation; biostatistics; electron microscope services; Wichita faculty contracts; physical therapy services; legal fee reimbursements; sponsored research; departmental commercial receipts for all sales, refunds and all other collections of receipts not specifically enumerated above; Kansas department for children and families cost-sharing: *Provided, however*; That the state board of regents, with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, may amend or change this list of restricted fees: *Provided further*; That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*; That expenditures may be made from this fund to purchase health insurance coverage for all students enrolled in the school of allied health, school of nursing and school of medicine.

Scientific research and development – special revenue fund (683-00-2926).....	No limit
Kansas breast cancer research fund (683-00-2671-2660).....	No limit

Sponsored research overhead fund (683-00-2907-2800).....	No limit
Parking facility revenue fund – KC campus (683-00-5176-5550).....	No limit

Provided, That expenditures may be made from the parking facility revenue fund – KC campus for capital improvement projects for parking improvements.

Parking fee fund – Wichita campus (683-00-5180-5590).....	No limit
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Provided, That expenditures may be made from the parking fee fund – Wichita

campus for capital improvement projects for parking improvements.

Services to hospital	
authority fund (683-00-2915-2900).....	No limit
Direct medical education	
reimbursement fund (683-00-2918-3000).....	No limit
Service clearing fund (683-00-6007).....	No limit
<i>Provided, That the service clearing fund shall be used for the following service activities: Printing services; purchasing storeroom; university motor pool; physical plant storeroom; photo services; telecommunications services; facilities operations discretionary repairs; animal care; instructional services; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.</i>	
Educational nurse faculty loan	
program fund (683-00-7505-7540).....	No limit
Federal college work	
study fund (683-00-3256-3520).....	No limit
AMA education and	
research grant fund (683-00-7207-7500).....	No limit
Federal health professions/	
primary care student	
loan fund (683-00-7516-7560).....	No limit
Federal nursing student	
loan fund (683-00-7517-7570).....	No limit
Suspense fund (683-00-9057-9500).....	No limit
Federal student educational opportunity	
grant fund (683-00-3255-3510).....	No limit
Federal Pell grant fund (683-00-3252-3500).....	No limit
Federal Perkins student	
loan fund (683-00-7515-7550).....	No limit
Medical loan repayment fund (683-00-7214-7520).....	No limit
<i>Provided, That expenditures from the medical loan repayment fund for attorney fees and litigation costs associated with the administration of the medical scholarship and loan program shall be in addition to any expenditure limitation imposed on the operating expenditures account of the medical loan repayment fund.</i>	
Medical student loan programs provider	
assessment fund (683-00-2625-2650).....	No limit
Graduate medical education administration	
reserve fund (683-00-5652-5640).....	No limit
University of Kansas medical center	
private practice foundation	
reserve fund (683-00-5659-5660).....	No limit
Robert Wood Johnson	
award fund (683-00-7328-7530).....	No limit
Federal scholarship for disadvantaged	
students fund (683-00-3094-3100).....	No limit
Temporary deposit fund (683-00-9058-9510).....	No limit
Mandatory retirement annuity	

clearing fund (683-00-9143-9520).....	No limit
Voluntary tax shelter annuity	
clearing fund (683-00-9168-9530).....	No limit
Agency payroll deduction	
clearing fund (683-00-9194-9600).....	No limit
Pre-tax parking clearing fund (683-00-9225-9200).....	No limit
University payroll fund (683-00-9807).....	No limit
University federal fund (683-00-3148).....	No limit
Leveraging educational assistance partnership	
federal fund (683-00-3223-3200).....	No limit
Graduate medical education	
support fund (683-00-5653-5650).....	No limit
Johnson county education research	
triangle fund (683-00-2394-2390).....	No limit
Psychiatry medical loan	
repayment fund (683-00-7233-7233).....	No limit
Rural health bridging	
psychiatry fund (683-00-2218-2218).....	No limit
Cancer center research (683-00-2551-2700).....	No limit
Graduate medical education	
reimbursement fund (683-00-2918-3050).....	No limit

(c) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer amounts specified by the chancellor of the university of Kansas of not to exceed a total of \$125,000 for all such amounts, from the general fees fund (683-00-2108-2500) to the following funds: Federal nursing student loan fund (683-00-7517-7570); federal student education opportunity grant fund (683-00-3255-3510); federal college work study fund (683-00-3256-3520); educational nurse faculty loan program fund (683-00-7505-7540); federal health professions/primary care student loan fund (683-00-7516-7560).

(d) During the fiscal year ending June 30, 2020, and within the limits of appropriations therefor, the university of Kansas medical center may enter into contracts to purchase additional malpractice insurance for medical students enrolled at the university of Kansas medical center while in clinical training at the university of Kansas medical center or at other health care institutions.

Sec. 108.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Operating expenditures (including	
official hospitality) (715-00-1000-0003).....	\$63,611,941
<i>Provided</i> , That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.	
Aviation research (715-00-1000-0015).....	\$10,000,000

Provided, That any unencumbered balance in the aviation research account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That all moneys in the aviation research account expended for fiscal year 2020

shall be matched by Wichita state university on a \$1 for \$1 basis from other moneys of Wichita state university: *And provided further*, That Wichita state university shall submit a plan to the house committee on appropriations, the senate committee on ways and means and the governor as to how aviation research-related activities create additional jobs in the state and other economic value, particularly for and with the private sector, for fiscal year 2020.

Technology transfer facility (715-00-1000-0005).....\$2,000,000
Aviation infrastructure (715-00-1000-0010).....\$5,200,000

Provided, That during the fiscal year ending June 30, 2020, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from the aviation infrastructure account for fiscal year 2020 by Wichita state university by this or other appropriation act of the 2019 regular session of the legislature, the moneys appropriated in the aviation infrastructure account for fiscal year 2020 may only be expended for training and equipment expenditures of the national center for aviation training.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

General fees fund (715-00-2112).....No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further*, That expenditures may be made from the general fees fund for official hospitality.

Restricted fees fund (715-00-2558).....No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Summer school workshops; technology equipment; concert course; dramatics; continuing education; flight training; gifts and grants (for teaching, research, and capital improvements); capital improvements; testing service; state department of education (vocational); investment income from bequests; sale of surplus books and art objects; public service; veterans counseling and educational benefits; sponsored research; campus privilege fee; student activities; national defense education programs; engineering equipment fee; midwestern student exchange; departmental receipts – for all sales, refunds and other collections or receipts not specifically enumerated above: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That expenditures from this fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff at the student health center: *And provided further*, That expenditures may be made from this fund for official hospitality.

Service clearing fund (715-00-6008).....	No limit
<i>Provided</i> , That the service clearing fund shall be used for the following service activities: Central service duplicating and reproducing bureau; automobiles; furniture stores; postal clearing; telecommunications; computer services; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.	
Faculty of distinction	
matching fund (715-00-2477-2400).....	No limit
Kansas career work study	
program fund (715-00-2536-2020).....	No limit
Scholarship funds fund (715-00-7211-7000).....	No limit
Sponsored research	
overhead fund (715-00-2908-2080).....	No limit
Economic opportunity act –	
federal fund (715-00-3265-3100).....	No limit
Educational opportunity grant –	
federal fund (715-00-3266-3110).....	No limit
Nine month payroll clearing	
account fund (715-00-7717-7030).....	No limit
Pell grants federal fund (715-00-3366-3120).....	No limit
Housing system	
suspense fund (715-00-5705-5160).....	No limit
WSU housing system depreciation and	
replacement fund (715-00-5800-5260).....	No limit
National direct student	
loan fund (715-00-7519-7010).....	No limit
WSU housing systems	
revenue fund (715-00-5100-5250).....	No limit
WSU housing system	
surplus fund (715-00-5620-5270).....	No limit
University federal fund (715-00-3149-3140).....	No limit
<i>Provided</i> , That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.	
Center of innovation for biomaterials in	
orthopaedic research – Wichita state	
university fund (715-00-2750-2700).....	No limit
Kan-grow engineering	
fund – WSU (715-00-2155-2155).....	No limit
Aviation research fund (715-00-2052-2052).....	No limit
Temporary deposit fund (715-00-9059-9500).....	No limit
Suspense fund (715-00-9077).....	No limit
Mandatory retirement annuity	
clearing fund (715-00-9144-9520).....	No limit
Voluntary tax shelter annuity	
clearing fund (715-00-9169-9530).....	No limit

Agency payroll deduction clearing fund (715-00-9198-9400).....	No limit
Pre-tax parking clearing fund (715-00-9226-9200).....	No limit
Parking system project K DFA bond revenue fund (715-00-5148-5000).....	No limit
Parking system project maintenance K DFA revenue bond fund (715-00-5159-5040).....	No limit

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Tuition for technical education (561-00-1000-0120).....	\$4,500,000
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(b) The appropriation to the national guard educational assistance account (561-00-1000-1300) for the fiscal year ending June 30, 2019, authorized by section 93(a) of chapter 109 of the 2018 Session Laws of Kansas represents and includes the profits derived from the veterans benefits game pursuant to K.S.A. 74-8724, and amendments thereto.

Sec. 110.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Operating expenditures (including official hospitality) (561-00-1000-0103).....	\$4,433,600
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Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That, during fiscal year 2020, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from the operating expenditures (including official hospitality) account for fiscal year 2020 by the state board of regents as authorized by this or other appropriation act of the 2019 regular session of the legislature, the state board of regents is hereby authorized to make expenditures from the operating expenditures (including official hospitality) account for fiscal year 2020 for attendance at an in-state meeting by members of the state board of regents for participation in matters of educational interest to the state of Kansas, upon approval of such attendance and participation by the state board of regents: *And provided further*, That each member of the state board of regents attending an in-state meeting so authorized shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, for members of the legislature: *And provided further*, That, during fiscal year 2020, notwithstanding the provisions of any other statute and in addition to the other purposes for which expenditures may be made from the operating expenditures (including official hospitality) account for fiscal year 2020 by the state board of regents as authorized by this or other appropriation act of the 2019 regular session of the legislature, the state board of regents is hereby authorized to make expenditures from the operating expenditures (including official hospitality) account for

fiscal year 2020 for attendance at an out-of-state meeting by members of the state board of regents whenever under any provision of law such members of the state board of regents are authorized to attend the out-of-state meeting or whenever the state board of regents authorizes such members to attend the out-of-state meeting for participation in matters of educational interest to the state of Kansas: *And provided further*, That each member of the state board of regents attending an out-of-state meeting so authorized shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, for members of the legislature.

Midwest higher education

commission (561-00-1000-0250).....\$95,000
 State scholarship program (561-00-1000-4300).....\$1,035,919

Provided, That any unencumbered balance in the state scholarship program account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures may be made from the state scholarship program account for the state scholarship program under K.S.A. 74-32,239, and amendments thereto, and for the Kansas distinguished scholarship program under K.S.A. 74-3278 through 74-3283, and amendments thereto: *And provided further*, That, of the total amount appropriated in the state scholarship program account, the amount dedicated for the Kansas distinguished scholarship program shall not exceed \$25,000.

Postsecondary education operating.....\$15,735,298

Comprehensive grant

program (561-00-1000-4500).....\$16,258,338

Provided, That any unencumbered balance in the comprehensive grant program account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Ethnic minority

scholarship program (561-00-1000-2410).....\$296,498

Provided, That any unencumbered balance in the ethnic minority scholarship program account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Kansas work-study program (561-00-1000-2000).....\$546,813

Provided, That any unencumbered balance in the Kansas work-study program account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That the state board of regents is hereby authorized to transfer moneys from the Kansas work-study program account to the Kansas career work-study program fund of any institution under its jurisdiction participating in the Kansas work-study program established by K.S.A. 74-3274 et seq., and amendments thereto: *And provided further*, That all moneys transferred from this account to the Kansas career work-study program fund of any such institution shall be expended for and in accordance with the Kansas work-study program.

ROTC service scholarships (561-00-1000-4600).....\$175,335

Provided, That any unencumbered balance in the ROTC service scholarships account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Military service scholarships (561-00-1000-1310).....\$500,314

Provided, That any unencumbered balance in the military service scholarships account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That all expenditures from the military service scholarships

account shall be made for scholarships awarded under the military service scholarship program act, K.S.A. 74-32,227 through 74-32,232, and amendments thereto.

Teachers scholarship

program (561-00-1000-0800).....\$1,547,023

Provided, That any unencumbered balance in the teachers scholarship program account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

National guard educational

assistance (561-00-1000-1300).....\$3,000,434

Provided, That any unencumbered balance in the national guard educational assistance account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That moneys in the national guard educational assistance account represent and include the profits derived from the veterans benefit game pursuant to K.S.A. 74-8724, and amendments thereto.

Career technical

workforce grant (561-00-1000-2200).....\$114,075

Provided, That any unencumbered balance in the career technical workforce grant account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Nursing student scholarship

program (561-00-1000-4100).....\$417,255

Provided, That any unencumbered balance in the nursing student scholarship program account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Optometry education

program (561-00-1000-1100).....\$107,089

Provided, That any unencumbered balance in the optometry education program account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Municipal university

operating grant (561-00-1000-1010).....\$12,213,922

Adult basic education (561-00-1000-0900).....\$1,457,031

Postsecondary tiered technical education

state aid (561-00-1000-0760).....\$59,830,665

Provided, That if the amount of moneys appropriated for the above agency for the fiscal year ending June 30, 2020, by this or other appropriation act of the 2019 regular session of the legislature, in the postsecondary tiered technical education state aid account (561-00-1000-0760) is \$58,300,000 or greater, then the difference between the amount of moneys appropriated for the fiscal year 2020 and \$58,300,000 shall be distributed based on each eligible institution's calculated gap, according to the postsecondary tiered technical education state aid act, K.S.A. 71-1801 through 71-1810, and amendments thereto, as determined by the state board of regents: *Provided further*, That if the amount of moneys appropriated for the above agency for fiscal year 2020 is less than \$58,300,000, then each eligible institution shall receive an amount of moneys proportionally adjusted to equal the amount of moneys such eligible institution received in fiscal year 2016.

Non-tiered course credit

hour grant (561-00-1000-0550).....\$78,503,473

Provided, That if the amount of moneys appropriated for the above agency for the fiscal year ending June 30, 2020, by this or other appropriation act of the 2019 regular session of the legislature, in the non-tiered course credit hour grant account is \$76,496,329 or greater, then the difference between the amount of moneys appropriated for the fiscal year 2020 and \$76,496,329 shall be distributed based on each eligible institution's calculated gap, as determined by the state board of regents.

Technology equipment at community colleges and

Washburn university (561-00-1000-0500).....\$398,475

Provided, That the state board of regents is hereby authorized to make expenditures from the technology equipment at community colleges and Washburn university account for grants to community colleges and Washburn university pursuant to grant applications for the purchase of technology equipment, in accordance with guidelines established by the state board of regents.

Vocational education capital

outlay aid (561-00-1000-0310).....\$71,585

Tuition waivers (561-00-1000-1650).....\$134,657

Nurse educator

grant program (561-00-1000-4120).....\$188,126

Provided, That any unencumbered balance in the nurse educator grant program account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*; That all expenditures from the nurse educator grant program account shall be made for scholarships awarded under the nurse educator service scholarship program act.

Nursing faculty and supplies

grant program (561-00-1000-4130).....\$1,787,193

Provided, That any unencumbered balance in the nursing faculty and supplies grant program account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*; That the state board of regents is hereby authorized to make grants to Kansas postsecondary educational institutions with accredited nursing programs from the nursing faculty and supplies grant program account for expansion of nursing faculty and laboratory supplies: *And provided further*; That such grants shall be either need-based or competitive and shall be matched on the basis of \$1 from the nursing faculty and supplies grant program account for \$1 from the postsecondary educational institution receiving the grant.

Postsecondary technical

education authority (561-00-1000-0750).....\$19,871

Tuition for

technical education (561-00-1000-0120).....\$29,050,000

Provided, That, any unencumbered balance in the tuition for technical education account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*; That, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made by the above agency from the tuition for technical education account of the state general fund for fiscal year 2020, expenditures shall be made by the above agency from the tuition for technical education account of the state general fund for fiscal year 2020 for the payment of technical education tuition for adult students who are enrolled in technical

education classes while obtaining a GED using the Accelerating Opportunity program: *And provided further,* That, such expenditures shall be in an amount not less than \$500,000.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Osteopathic medical service scholarship	
repayment fund (561-00-7216-6300).....	No limit
KAN-ED services fee fund (561-00-2814-2814).....	No limit
Earned indirect costs	
fund – federal (561-00-3642-3600).....	No limit
Faculty of distinction	
program fund (561-00-7200-7050).....	No limit
Paul Douglas teacher scholarship	
fund – federal (561-00-3879-3950).....	No limit
GED credentials processing	
fees fund (561-00-2151-2100).....	No limit
Tuition waiver gifts, grants and	
reimbursements fund (561-00-7230-7230).....	No limit
Adult basic education –	
federal fund (561-00-3042-3000).....	No limit
Adult basic education –	
federal fund (561-00-3042).....	No limit
Truck driver training fund (561-00-2172-4900).....	No limit
Improving teacher quality grant	
federal fund (561-00-3526-3526).....	No limit
State scholarship discontinued	
attendance fund (561-00-7213-6100).....	No limit
Kansas ethnic minority fellowship	
program fund (561-00-7238-7600).....	No limit
Private postsecondary educational institution degree	
authorization expense reimbursement	
fee fund (561-00-2643-3300).....	No limit
Substance abuse education	
fund – federal (561-00-3805-4000).....	No limit
Nursing service scholarship	
program fund (561-00-7220-6800).....	No limit
Clearing fund (561-00-9029-9100).....	No limit
Conversion of materials and	
equipment fund (561-00-2433-3200).....	No limit
Motorcycle safety fund (561-00-2366-2360).....	No limit
Financial aid services	
fee fund (561-00-2280-2800).....	No limit

Provided, That expenditures may be made from the financial aid services fee fund for operating expenditures directly or indirectly related to the operating costs associated with student financial assistance programs administered by the state board of regents:

Provided further, That the chief executive officer of the state board of regents is hereby authorized to fix, charge and collect fees for the processing of applications and other activities related to student financial assistance programs administered by the state board of regents: *And provided further,* That such fees shall be fixed in order to recover all or a part of the direct and indirect operating expenses incurred for administering such programs: *And provided further,* That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the financial aid services fee fund.

Inservice education workshop	
fee fund (561-00-2266).....	No limit
Optometry education	
repayment fund (561-00-7203-7100).....	No limit
Teacher scholarship	
repayment fund (561-00-7205-7200).....	No limit
Nursing service scholarship	
repayment fund (561-00-7210-7400).....	No limit
Nurse educator service scholarship	
repayment fund (561-00-7231-7300).....	No limit
ROTC service scholarship	
repayment fund (561-00-7232-7232).....	No limit
Carl D. Perkins vocational	
and technical education –	
federal fund (561-00-3539-3539).....	No limit
College access challenge	
grant program (561-00-3880-3955).....	No limit
Kansas national guard	
educational assistance program	
repayment fund (561-00-7228-7000).....	No limit
Grants fund (561-00-2525-2500).....	No limit
Workforce development	
loan fund (561-00-7518-7900).....	No limit
Regents clearing fund (561-00-9052-9200).....	No limit
Private and out-of-state	
postsecondary educational institution	
fee fund (561-00-2614-2610).....	No limit
KanTRAIN federal fund (561-00-3578-3578).....	No limit
USAC E-rate program	
federal fund (561-00-3920-3920).....	No limit
WIOA youth activities federal fund (561-00-3039).....	No limit
WIOA adult set-aside federal fund (561-00-3270).....	No limit
WIOA dislocated workers set-aside	
federal fund (561-00-3428).....	No limit
Temporary assistance for needy families	
federal fund (561-00-3323-3323).....	No limit
Workforce data quality initiative	
federal fund (561-00-3237-3237).....	No limit
Postsecondary education performance-based	

incentives fund (561-00-2777-2777).....	\$125,000
Private donations, gifts, grants	
bequest fund (561-00-7262-7700).....	No limit
WIOA pilot demonstration	
research project (561-00-3237-3237).....	No limit

(c) During the fiscal year ending June 30, 2020, the chief executive officer of the state board of regents, with the approval of the director of the budget, may transfer any part of any item of appropriation in an account of the state general fund for the fiscal year ending June 30, 2020, to another item of appropriation in an account of the state general fund for fiscal year 2020. The chief executive officer of the state board of regents shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research. As used in this subsection, "account": (1) Means the operating expenditures (including official hospitality) account of the state board of regents (561-00-1000-0103), the university of Kansas (682-00-1000-0023), the university of Kansas medical center (683-00-1000-0503), Kansas state university (367-00-1000-0003), Kansas state university veterinary medical center (368-00-1000-5003), Kansas state university extension systems and agriculture research programs (369-00-1000-1020) and (369-00-1000-1030), Wichita state university (715-00-1000-0003), Emporia state university (379-00-1000-0083), Pittsburg state university (385-00-1000-0063) and Fort Hays state university (246-00-1000-0013); and (2) includes each other account of the state general fund of the state board of regents.

(d) (1) In addition to the other purposes for which expenditures may be made by any state educational institution from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 for such state educational institution as authorized by this or other appropriation act of the 2019 regular session of the legislature, expenditures may be made by such state educational institution from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 for the purposes of capital improvement projects making energy and other conservation improvements: *Provided*, That such capital improvement projects are hereby approved for such state educational institution for the purposes of K.S.A. 74-8905(b), and amendments thereto, and the authorization of issuance of one or more series of bonds by the Kansas development finance authority in accordance with that statute from time to time during fiscal year 2020: *Provided, however*, That no such bonds shall be issued until the state board of regents has first advised and consulted on any such project with the joint committee on state building construction: *Provided further*, That the amount of the bond proceeds that may be utilized for any such capital improvement project shall be subject to approval by the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, except that such approval also may be given while the legislature is in session: *And provided further*, That, in addition to such project costs, any such amount of bond proceeds may include costs of issuance, capitalized interest and any required reserves for the payment of principal and interest on such bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That payments relating to principal and interest on such bonds shall be subject

to and dependent upon annual appropriations therefor to the state educational institution for which the bonds are issued: *And provided further*, That each energy conservation capital improvement project for which bonds are issued for financing under this subsection shall be designed and completed in order to have cost savings sufficient to be equal to or greater than the cost of debt service on such bonds: *And provided further*, That the state board of regents shall prepare and submit a report to the committee on appropriations of the house of representatives and the committee on ways and means of the senate on the savings attributable to energy conservation capital improvements for which bonds are issued for financing under this subsection (d)(1) at the beginning of the 2020 regular session of the legislature.

(2) As used in this subsection, "state educational institution" includes each state educational institution as defined in K.S.A. 76-711, and amendments thereto.

(e) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2020, the following:

SEDIF – vocational education capital
 outlay aid (561-00-1900-1950).....\$2,547,726

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2019, in the SEDIF – vocational education capital outlay aid account is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures from the SEDIF – vocational education capital outlay aid account for each grant of vocational education capital outlay aid shall be matched by the postsecondary institution awarded such grant in an amount which is equal to 50% of the grant.

SEDIF – technology innovation and
 internship program (561-00-1900-1960).....\$179,284

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2019, in the SEDIF – technology innovation and internship program account is hereby reappropriated for fiscal year 2020.

SEDIF – EPSCOR (561-00-1900-1970).....\$993,265
 Community and technical college

competitive grants (561-00-1900-1980).....\$500,000

Provided, That all moneys in the community and technical college competitive grants account shall be for grants awarded to community and technical colleges under a competitive grant program administered by the secretary of commerce: *Provided further*, That all expenditures from such account shall be for competitive grants to community and technical colleges that require a local match of nonstate moneys on a \$1 for \$1 basis, from either the college or private industry partner, and that will develop innovative programs with private companies needing specific job skills or will meet other industry needs that cannot be addressed with current funding streams.

(f) (1) On July 1, 2019, the WIA adult set-aside federal fund (561-00-3270) of the state board of regents is hereby redesignated as the WIOA adult set-aside federal fund of the state board of regents.

(2) On July 1, 2019, the WIA youth activities federal fund (561-00-3039) of the state board of regents is hereby redesignated as the WIOA youth activities federal fund of the state board of regents.

(3) On July 1, 2019, the WIA dislocated workers federal fund (561-00-3428) of the state board of regents is hereby redesignated as the WIOA dislocated workers set-aside federal fund of the state board of regents.

(4) On July 1, 2019, the WIA pilot demonstration research project (561-00-3237-3237) of the state board of regents is hereby redesignated as the WIOA pilot demonstration research project of the state board of regents.

Sec. 111.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (521-00-1000-0603).....	\$897,168
Treatment and programs – medical and mental (521-00-1000-0152).....	\$2,850,944
Evidence-based programs (521-00-1000-0050).....	\$6,000,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

WIOA adult activities – federal fund (352-00-3270-3270).....	No limit
WIOA youth activities – federal fund (352-00-3039-3039).....	No limit
WIOA dislocated worker activities – federal fund (352-00-3428-3428).....	No limit

(c) On the effective date of this act, of the \$3,994,250 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 215(c) of chapter 104 of the 2017 Session Laws of Kansas from the state institutions building fund in the debt service – Topeka complex and Larned juvenile correctional facility account (521-00-8100-8119), the sum of \$162 is hereby lapsed.

Sec. 112.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Operating expenditures (521-00-1000-0603).....	\$33,363,871
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*; That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000.

Operating expenditures – juvenile services (521-00-1000-0103).....	\$2,457,754
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Provided, That any unencumbered balance in the operating expenditures – juvenile services account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Evidence-based programs (521-00-1000-0050).....	\$12,485,102
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Provided, That any unencumbered balance in the evidence-based programs account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*; That, notwithstanding the provisions of K.S.A. 2018 Supp. 75-52,164, and amendments thereto, or any other statute, expenditures may be made from this account to conduct research into, and development of, evidence-based practices to reduce offender behavior and recidivism among juveniles: *Provided, however*; That the

expenditures for such research and development shall not exceed \$1,000,000.

Community corrections (521-00-1000-0220).....\$20,246,526
Provided, That any unencumbered balance in the community corrections account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*; That no expenditures may be made by any county from any grant made to such county from the community corrections account for either half of state fiscal year 2020 that supplant any amount of local public or private funding of existing programs as determined in accordance with rules and regulations adopted by the secretary of corrections.

Local jail payments (521-00-1000-0510).....\$800,000
Provided, That any unencumbered balance in the local jail payments account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*; That, notwithstanding the provisions of K.S.A. 19-1930, and amendments thereto, payments by the department of corrections under K.S.A. 19-1930(b), and amendments thereto, for the cost of maintenance of prisoners shall not exceed the per capita daily operating cost, not including inmate programs, for the department of corrections.

Treatment and programs –
 offender programs (521-00-1000-0151).....\$4,990,523
Provided, That any unencumbered balance in the treatment and programs – offender programs account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Treatment and programs – medical
 and mental (521-00-1000-0152).....\$70,184,824
Provided, That any unencumbered balance in the treatment and programs – medical and mental account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Treatment and programs –
 KUMC contract (521-00-1000-0154).....\$1,919,916
Provided, That any unencumbered balance in the treatment and programs – KUMC contract account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Purchase of services (521-00-1000-0300).....\$6,422,209
Provided, That any unencumbered balance in the purchase of services account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Prevention and graduated sanctions
 community grants (521-00-1000-0221).....\$19,388,026
Provided, That any unencumbered balance in the prevention and graduated sanctions community grants account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*; That money awarded as grants from the prevention and graduated sanctions community grants account is not an entitlement to communities, but a grant that must meet conditions prescribed by the above agency for appropriate outcomes.

Topeka correctional facility –
 facilities operations (660-00-1000-0303).....\$16,033,887
Provided, That any unencumbered balance in the Topeka correctional facility – facilities operations account in excess of \$100 as of June 30, 2019, is hereby

reappropriated for fiscal year 2020: *Provided, however,* That expenditures from the Topeka correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Hutchinson correctional facility –

facilities operations (313-00-1000-0303).....\$33,388,912

Provided, That any unencumbered balance in the Hutchinson correctional facility – facilities operations account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however,* That expenditures from the Hutchinson correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Lansing correctional facility –

facilities operations (400-00-1000-0303).....\$36,091,162

Provided, That any unencumbered balance in the Lansing correctional facility – facilities operations account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however,* That expenditures from the Lansing correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Ellsworth correctional facility –

facilities operations (177-00-1000-0303).....\$15,450,320

Provided, That any unencumbered balance in the Ellsworth correctional facility – facilities operations account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however,* That expenditures from the Ellsworth correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Winfield correctional facility –

facilities operations (712-00-1000-0303).....\$13,974,888

Provided, That any unencumbered balance in the Winfield correctional facility – facilities operations account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however,* That expenditures from the Winfield correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Norton correctional facility –

facilities operations (581-00-1000-0303).....\$16,759,613

Provided, That any unencumbered balance in the Norton correctional facility – facilities operations account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however,* That expenditures from the Norton correctional facility – facilities operations account for official hospitality shall not exceed \$500.

El Dorado correctional facility –

facilities operations (195-00-1000-0303).....\$38,858,706

Provided, That any unencumbered balance in the El Dorado correctional facility – facilities operations account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however,* That expenditures from the El Dorado correctional facility – facilities operations account for official hospitality shall not exceed \$500: *Provided further,* That expenditures shall be made by the above agency from the El Dorado correctional facility – facilities operations account for the following salary increases: 15.9% for corrections officers I(A), corrections officers I(B),

juvenile corrections officers I(A), juvenile corrections officers I(B), corrections officers II and juvenile corrections officers II; and 5.0% for employee classifications, as determined by the secretary of corrections, who routinely work with offenders: *And provided further*, That expenditures shall be made by the above agency from the El Dorado correctional facility – facilities operations account to operate and maintain full capacity at the El Dorado correctional facility with all existing cell blocks open and in service; *Provided further*, That expenditures shall be made from this account in an amount of not less than \$5,475,000 to outsource adult male offenders.

Larned correctional mental health facility –
 facilities operations (408-00-1000-0303).....\$11,748,424

Provided, That any unencumbered balance in the Larned correctional mental health facility – facilities operations account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*, That expenditures from the Larned correctional mental health facility – facilities operations account for official hospitality shall not exceed \$500.

Kansas juvenile correctional complex –
 facilities operations (352-00-1000-0303).....\$20,532,243

Provided, That any unencumbered balance in the Kansas juvenile correctional complex – facilities operations account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*, That expenditures from the Kansas juvenile correctional complex – facilities operations account for official hospitality shall not exceed \$500: *Provided further*, That expenditures may be made from this account for educational services contracts, which are hereby authorized to be negotiated and entered into by the above agency with unified school districts or other accredited educational services providers.

Facilities operations (521-00-1000-0303).....\$15,866,555

Provided, That any unencumbered balance in the facilities operations account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Facilities shrinkage (521-00-1000).....\$3,000,000

Provided, That any unencumbered balance in the facilities shrinkage account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Supervision fees fund (521-00-2116-2100).....No limit
 Justice reinvestment technical assistance

for state governments project –
 federal fund (521-00-3758-3758).....No limit

Residential substance abuse treatment –
 federal fund (521-00-3006-3101).....No limit

Department of corrections forensic
 psychologist fund (521-00-2492-2492).....No limit

Provided, That expenditures may be made from the department of corrections forensic psychologist fund for general health care contract expenses.

Ed Byrne memorial
 justice assistance grants –

federal fund (521-00-3057).....	No limit
Violence against women –	
federal fund (521-00-3214).....	No limit
Sex offender management grant –	
federal fund (521-00-3206-3206).....	No limit
Department of corrections state asset	
forfeiture fund (521-00-2460-2400).....	No limit
Prisoner reentry intv demo –	
federal fund (521-00-3063).....	No limit
Victims of crime act –	
federal fund (521-00-3260).....	No limit
Correctional industries fund (522-00-6126-7300).....	No limit
<i>Provided, That expenditures may be made from the correctional industries fund for official hospitality.</i>	
Ed Byrne state and local law assistance –	
federal fund (521-00-3213-3213).....	No limit
Bulletproof vest partnership –	
federal fund (521-00-3216-3216).....	No limit
Safeguard community grants – federal fund (521-00-3225).....	No limit
Workforce investment act –	
federal fund (521-00-3237-3237).....	No limit
Workplace and community transition training –	
federal fund (521-00-3281-3281).....	No limit
USMS reimbursement –	
federal fund (521-00-3562-3562).....	No limit
Community awareness project –	
federal fund (521-00-3250-3250).....	No limit
Corrections training and staff development –	
federal fund (521-00-3413-3413).....	No limit
Second chance act –	
federal fund (521-00-3895-3895).....	No limit
Alcohol and drug abuse	
treatment fund (521-00-2339-2110).....	No limit
<i>Provided, That expenditures may be made from the alcohol and drug abuse treatment fund for payments associated with providing treatment services to offenders who were driving under the influence of alcohol or drugs regardless of when the services were rendered.</i>	
Juvenile delinquency prevention	
trust fund (521-00-7322-7000).....	No limit
State of Kansas – department	
of corrections inmate	
benefit fund (521-00-7950-5350).....	No limit
Department of corrections –	
alien incarceration grant	
fund – federal (521-00-3943-3800).....	No limit
Department of corrections – general	
fees fund (521-00-2427-2450).....	No limit

Provided, That expenditures may be made from the department of corrections – general fees fund for operating expenditures for training programs for correctional personnel, including official hospitality: *Provided further*, That the secretary of corrections is hereby authorized to fix, charge and collect fees for such programs: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for such training programs, including official hospitality: *And provided further*, That all fees received for such programs shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the department of corrections – general fees fund.

Topeka correctional facility – community development block grant – federal fund (660-00-3581-3100).....	No limit
Topeka correctional facility – bureau of prisons contract – federal fund (660-00-3582-3200).....	No limit
Topeka correctional facility – general fees fund (660-00-2090-2090).....	No limit
Hutchinson correctional facility – general fees fund (313-00-2051-2000).....	No limit
Lansing correctional facility – general fees fund (400-00-2040-2040).....	No limit
Ellsworth correctional facility – general fees fund (177-00-2227-2000).....	No limit
Winfield correctional facility – general fees fund (712-00-2237-2000).....	No limit
Norton correctional facility – general fees fund (581-00-2238-2000).....	No limit
El Dorado correctional facility – general fees fund (195-00-2252-2000).....	No limit
Larned correctional mental health facility – general fees fund (408-00-2145-2000).....	No limit
Community corrections supervision fund (521-00-2748-2748).....	No limit
Community corrections special revenue fund (521-00-2447-2447).....	No limit
Medical assistance program – federal fund (521-00-3414).....	No limit
Title IV-E fund (521-00-3337).....	No limit
Juvenile accountability incentive block grant – federal fund (521-00-3002).....	No limit
Juvenile justice delinquency prevention – federal fund (521-00-3351).....	No limit
Juvenile justice fee fund – central office (521-00-2257).....	No limit
Juvenile justice federal fund – Kansas juvenile correctional complex (352-00-3359-3100).....	No limit

Byrne grant – federal fund – Kansas juvenile correctional complex (352-00-3057-3057).....	No limit
Byrne grant – federal fund (521-00-3353-3200).....	No limit
Title V – delinquency prevention program – federal fund (521-00-3208).....	No limit
Title VI-B special education federal fund.....	No limit
Title I program for neglected and delinquent children – federal fund (521-00-3009).....	No limit
Improving teacher quality state grants – federal fund (521-00-3526-3526).....	No limit
Kansas juvenile correctional complex – juvenile accountability block grant – federal fund (352-00-3002-3540).....	No limit
National school lunch program – federal fund – Kansas juvenile correctional complex (352-00-3530-3530).....	No limit
Kansas juvenile correctional complex fee fund (352-00-2321-2300).....	No limit
Kansas juvenile correctional complex – Title I neglected and delinquent children – federal fund (352-00-3009-3009).....	No limit
National school breakfast program – federal fund – Kansas juvenile correctional complex (352-00-3529-3529).....	No limit
WIOA – adult activities – federal fund (352-00-3270-3270).....	No limit
WIOA youth activities – federal fund (352-00-3039-3039).....	No limit
WIOA – dislocated worker activities – federal fund (352-00-3428-3428).....	No limit
Kansas juvenile correctional complex – gifts, grants and donations fund (352-00-7016-7000).....	No limit
Dev/test/demo new prgs – Kansas juvenile correctional complex – federal fund (352-00-3207-3207).....	No limit
Kansas juvenile correctional complex – improvement fund (352-00-2481-2400).....	No limit
Comprehensive approach to sex offender management discretionary grant – Kansas juvenile correctional complex – federal fund (352-00-3206-3206).....	No limit
Kansas juvenile justice improvement fund (521-00-2205-2205).....	No limit
Juvenile alternatives to detention fund (521-00-2250).....	No limit

Provided, That notwithstanding the provisions of K.S.A. 79-4803, and amendments thereto, or any other statute, expenditures may be made by the above agency from the juvenile alternatives to detention fund for per diem payments to detention centers: *Provided, however*; That expenditures from the juvenile alternatives to detention fund for per diem payments to detention centers shall not exceed \$2,258,988.

Title VI-B special education fund.....No limit

(c) During the fiscal year ending June 30, 2020, the secretary of corrections, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2020, from the state general fund for the department of corrections or any correctional institution, correctional facility or juvenile facility under the general supervision and management of the secretary of corrections to another item of appropriation for fiscal year 2020 from the state general fund for the department of corrections or any correctional institution, correctional facility or juvenile facility under the general supervision and management of the secretary of corrections. The secretary of corrections shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(d) Notwithstanding the provisions of K.S.A. 75-3731, and amendments thereto, or any other statute, the director of accounts and reports shall accept for payment from the secretary of corrections any duly authorized claim to be paid from the local jail payments account (521-00-1000-0510) of the state general fund during fiscal year 2020 for costs pursuant to K.S.A. 19-1930(b), and amendments thereto, even though such claim is not submitted or processed for payment within the fiscal year in which the service is rendered and whether or not the services were rendered prior to the effective date of this act.

(e) Notwithstanding the provisions of K.S.A. 75-3731, and amendments thereto, or any other statute, the director of accounts and reports shall accept for payment from the director of Kansas correctional industries any duly authorized claim to be paid from the correctional industries fund (522-00-6126-7300) during fiscal year 2020 for operating or manufacturing costs even though such claim is not submitted or processed for payment within the fiscal year in which the service is rendered and whether or not the services were rendered prior to the effective date of this act. The director of Kansas correctional industries shall provide to the director of the budget on or before September 15, 2019, a detailed accounting of all such payments made from the correctional industries fund during fiscal year 2019.

(f) During the fiscal year ending June 30, 2020, the secretary of corrections, with the approval of the director of the budget, may make transfers from the correctional industries fund (522-00-6126-7300) to the department of corrections – general fees fund (521-00-2427-2450). The secretary of corrections shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(g) During the fiscal year ending June 30, 2020, all expenditures made by the department of corrections from the correctional industries fund (522-00-6126-7300) shall be made on budget for all purposes of state accounting and budgeting for the department of corrections.

(h) In addition to the other purposes for which expenditures may be made by the department of corrections from the juvenile alternatives to detention fund (521-00-

2250) for fiscal year 2020, notwithstanding the provisions of K.S.A. 79-4803, and amendments thereto, the department of corrections is hereby authorized and directed to make expenditures from the juvenile alternatives to detention fund for fiscal year 2020 for purchase of services.

(i) Notwithstanding the provisions of K.S.A. 2018 Supp. 75-52,164, and amendments thereto, or any other statute, during fiscal year 2020, the director of accounts and reports shall transfer the amount certified pursuant to K.S.A. 2018 Supp. 75-52,164(b), and amendments thereto, from each account of the state general fund of a state agency that has been determined by the secretary of corrections to be actual or projected cost savings to the evidence-based juvenile program account of the state general fund of the department of corrections: *Provided*, That the secretary of corrections shall transmit a copy of each such certification to the director of legislative research.

Sec. 113.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (034-00-1000-0053).....	\$84,417
Rehabilitation and repair projects (034-00-1000-8000).....	\$1,698,118
Disaster relief (034-00-1000-0200).....	\$250,000

(b) On the effective date of this act, the expenditure limitation for official hospitality established for the fiscal year ending June 30, 2019, by section 141(a) of chapter 104 of the 2017 Session Laws of Kansas on the operating expenditures account (034-00-1000-0053) of the state general fund of the adjutant general is hereby increased from \$1,250 to \$2,500.

(c) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$120,000 from the state highway fund of the department of transportation to the office of emergency communications fund (034-00-2496-2496) of the adjutant general.

Sec. 114.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Operating expenditures (034-00-1000-0053).....	\$5,452,089
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$2,500.

Incident management team (034-00-1000-0105).....	\$15,554
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Provided, That any unencumbered balance in the incident management team account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Civil air patrol – operating expenditures (034-00-1000-0103).....	\$41,431
Disaster relief (034-00-1000-0200).....	\$6,027,787

Provided, That any unencumbered balance in the disaster relief account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Military activation payments (034-00-1000-0300).....\$6,000

Provided, That any unencumbered balance in the military activation payments account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That all expenditures from the military activation payments account shall be for military activation payments authorized by and subject to the provisions of K.S.A. 2018 Supp. 75-3228, and amendments thereto.

Kansas military

emergency relief (034-00-1000-0400).....\$9,881

Provided, That expenditures may be made from the Kansas military emergency relief account for grants and interest-free loans, which are hereby authorized to be entered into by the adjutant general with repayment provisions and other terms and conditions including eligibility as may be prescribed by the adjutant general therefor, to members and families of the Kansas army and air national guard and members and families of the reserve forces of the United States of America who are Kansas residents, during the period preceding, during and after mobilization to provide assistance to eligible family members experiencing financial emergencies: *Provided further*, That such assistance may include, but shall not be limited to, medical, funeral, emergency travel, rent, utilities, child care, food expenses and other unanticipated emergencies: *And provided further*, That any moneys received by the adjutant general in repayment of any grants or interest-free loans made from the Kansas military emergency relief account shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Kansas military emergency relief account.

Kansas air national guard mission

support personnel.....\$62,000

Provided, That expenditures shall be made from the Kansas air national guard mission support personnel account during fiscal year 2020 by the above agency to pay the state's match of the salaries and wages for four additional positions at McConnell air force base 184th intelligence wing: *Provided further*, That such positions shall perform such duties as the adjutant general shall assign, and serve in the unclassified service under the Kansas civil service act.

Any unencumbered balance in excess of \$100 as of June 30, 2019, in each of the following accounts is hereby reappropriated for fiscal year 2020: Force protection, calibrators decommission and replacement, environmental clean-up projects.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas intelligence fusion center fund.....No limit

General fees fund (034-00-2102)No limit

Provided, That the adjutant general is hereby authorized to fix, charge and collect fees agreed upon in memorandums of understanding with other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *Provided further*, That such fees shall be fixed in order to recover all or part of the expenses incurred under the provisions of the memorandums of understanding with other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *And provided further*, That all fees received pursuant to such

memorandums of understanding shall be deposited in the state treasury in accordance with the provisions of K.S.A.75-4215, and amendments thereto, and shall be credited to the general fees fund.

Office of emergency communications

fund (034-00-2496-2496)No limit

Provided, That the adjutant general is hereby authorized to fix, charge and collect fees for recovery of costs associated with the use of the above agency's communication equipment by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *Provided further*; That such fees shall be fixed in order to recover all or part of the expenses incurred in providing for the use of the above agency's communication equipment by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *And provided further*; That all fees received for use of the above agency's communication equipment by other state agencies, local government agencies, for-profit organizations or not-for-profit organizations shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the office of emergency communications fund.

Conversion of materials and equipment fund –

military division (034-00-2400-2030)No limit

Adjutant general expense fund (034-00-2357).....No limit

State asset forfeiture fund (034-00-2498-2498).....No limit

State emergency fund (034-00-2437).....No limit

State emergency fund weather

disasters 5/4/2007 (034-00-2441).....No limit

State emergency fund weather

disasters 12/06, 7/07 (034-00-2445).....No limit

Disaster grants – public assistance

federal fund (034-00-3005).....No limit

National guard military operations/maintenance

federal fund (034-00-3055-3300).....No limit

Econ adjustment/military installation

federal fund (034-00-3196-3196).....No limit

Disaster assistance to individual/household

federal fund (034-00-3405-3405).....No limit

Interoperability communication

equipment fund (034-00-3449-3449).....No limit

Pre-disaster mitigation –

federal fund (034-00-3268-3269).....No limit

Hazard material training and planning –

federal fund (034-00-3121-3310).....No limit

State homeland security program

federal fund (034-00-3629-3629).....No limit

Nuclear safety emergency management

fee fund (034-00-2081-2200).....No limit

Provided, That, notwithstanding the provisions of any other statute, the adjutant general may make transfers of moneys from the nuclear safety emergency management fee fund to other state agencies for fiscal year 2020 pursuant to agreements, which are

hereby authorized to be entered into by the adjutant general with other state agencies to provide appropriate emergency management plans to administer the Kansas nuclear safety emergency management act, K.S.A. 48-940 et seq., and amendments thereto.

Military fees fund – federal (034-00-2152).....No limit

Provided, That all moneys received by the adjutant general from the federal government for reimbursement for expenditures made under agreements with the federal government shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the military fees fund – federal.

Armories and units general fees fund (034-00-2171-2010).....No limit

Emergency systems for advanced registration for volunteer health professionals – federal fund (034-00-3748-3748).....No limit

Civil air patrol – grants and contributions – federal fund (034-00-7315-7000).....No limit

Emergency management performance grant – federal fund (034-00-3342-3342).....No limit

NG – federal forfeiture fund (034-00-2184-2100).....No limit

Inaugural expense fund (034-00-2003-2300).....No limit

Kansas military emergency relief fund (034-00-2658-2650).....No limit

Provided, That expenditures may be made from the Kansas military emergency relief fund for grants and interest-free loans, which are hereby authorized to be entered into by the adjutant general with repayment provisions and other terms and conditions including eligibility as may be prescribed by the adjutant general therefor, to members and families of the Kansas army and air national guard and members and families of the reserve forces of the United States of America who are Kansas residents, during the period preceding, during and after mobilization to provide assistance to eligible family members experiencing financial emergencies: *Provided further*, That such assistance may include, but shall not be limited to, medical, funeral, emergency travel, rent, utilities, child care, food expenses and other unanticipated emergencies: *And provided further*, That any moneys received by the adjutant general in repayment of any grants or interest-free loans made from the Kansas military emergency relief fund shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Kansas military emergency relief fund.

Emergency management assistance compact federal fund (034-00-3609-3605)No limit

Public safety interoperable communications grant program federal fund (034-00-3340-3340).....No limit

Military construction national guard federal fund (034-00-3192-3192).....No limit

National guard civilian youth opportunities federal fund (034-00-3193-3193).....No limit

Hazard mitigation grant federal fund (034-00-3019).....No limit

- Citizen corps federal fund (034-00-3341-3341).....No limit
- Law enforcement terrorism prevention program
 - federal fund (034-00-3613-3600).....No limit
- Safe and drug-free schools and
 - communities national programs
 - federal fund (034-00-3569-3569).....No limit
- National guard museum
 - assistance fund (034-00-8306-8300).....No limit

Provided, That all expenditures from the national guard museum assistance fund shall be made for an expansion of the 35th infantry division museum and education center facility.

- Great plains joint regional training center
 - fee fund (034-00-2688-2688).....No limit

Provided, That expenditures may be made from the great plains joint regional training center fee fund for use of the great plains joint regional training center by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *Provided further*, That the adjutant general is hereby authorized to fix, charge and collect fees for recovery of costs associated with the use of the great plains joint regional training center by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *And provided further*, That such fees shall be fixed in order to recover all or part of the expenses incurred in providing for the use of the great plains joint regional training center by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *And provided further*, That all fees received for use of the great plains joint regional training center by other state agencies, local government agencies, for-profit organizations or not-for-profit organizations shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the great plains joint regional training center fee fund.

- State and local implementation grant program –
 - federal fund (034-00-3576-3576).....No limit

- Military honors funeral fund (034-00-2789-2789).....No limit

Provided, That the adjutant general is hereby authorized to accept gifts and donations of money during fiscal year 2020 for military funeral honors or purposes related thereto: *Provided further*, That such gifts and donations of money shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the military honors funeral fund.

- Fire management assistance grant –
 - federal fund (034-00-3320-3320).....No limit

- Kansas national guard counter drug state
 - forfeiture fund.....No limit

(c) In addition to the other purposes for which expenditures may be made by the adjutant general from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2019 regular session of the legislature, expenditures may be made by the adjutant general from such moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020, notwithstanding the provisions of K.S.A. 48-205,

and amendments thereto, or any other statute, in addition to other positions within the adjutant general's department in the unclassified service as prescribed by law for additional positions in the unclassified service under the Kansas civil service act: *Provided*, That, notwithstanding the provisions of K.S.A. 75-2935, and amendments thereto, or any other statute, the adjutant general may appoint a deputy adjutant general, who shall have no military command authority, and who may be a civilian and shall have served at least five years as a commissioned officer with the Kansas national guard, who will perform such duties as the adjutant general shall assign, and who will serve in the unclassified service under the Kansas civil service act: *Provided further*; That the position of such deputy adjutant general in the unclassified service under the Kansas civil service act shall be established by the adjutant general within the position limitation established for the adjutant general on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for fiscal year 2020 made by this or other appropriation act of the 2019 regular session of the legislature.

(d) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$320,000 from the state highway fund of the department of transportation to the office of emergency communications fund (034-00-2496-2496) of the adjutant general.

(e) During the fiscal year ending June 30, 2020, the adjutant general, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2020, from the state general fund for the adjutant general to another item of appropriation for fiscal year 2020 from the state general fund for the adjutant general: *Provided*, That the adjutant general shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

Sec. 115.

STATE FIRE MARSHAL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures, other than refunds authorized by law, purchases of nationally recognized adopted codes for resale and federally reimbursed overtime, shall not exceed the following:

Fire marshal fee fund (234-00-2330-2000).....	\$5,963,108
<i>Provided</i> , That expenditures from the fire marshal fee fund for official hospitality shall not exceed \$1,000.	
Boiler inspection fee fund (234-00-2128-2128).....	No limit
Gifts, grants and donations fund (234-00-7405-7400).....	No limit
Intragovernmental service fund (234-00-6160-6000).....	No limit
Explosives regulatory and training fund (234-00-2361-2361).....	No limit
State fire marshal liquefied petroleum gas fee fund (234-00-2608-2600).....	No limit
Emergency response fund (234-00-2589).....	No limit

Provided, That expenditures may be made by the state fire marshal from the

emergency response fund for fiscal year 2020 for the purposes of responding to specific incidences of emergencies related to hazardous materials or search and rescue incidents without prior approval of the state finance council: *Provided, however,* That expenditures from the emergency response fund during fiscal year 2020 for the purposes of responding to any specific incidence of an emergency related to hazardous materials or search and rescue incidents without prior approval by the state finance council shall not exceed \$25,000, except upon approval by the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, except that such approval also may be given while the legislature is in session.

- Fire safety standard and
 - firefighter protection act enforcement fund (234-00-2694-2620).....No limit
- Cigarette fire safety standard and firefighter protection act fund (234-00-2696-2630).....No limit
- Non-fuel flammable or combustible
 - liquid aboveground storage tank system fund (234-00-2626-2610).....No limit
- Homeland security grant – federal fund (234-00-3199).....No limit
- FFY12 HMEP grant – federal fund (234-00-3121-3121).....No limit
- Contract inspections fund (234-00-6122-6122).....No limit

(b) During the fiscal year ending June 30, 2020, notwithstanding the provisions of any other statute, the state fire marshal, with the approval of the director of the budget, may transfer funds from the fire marshal fee fund (234-00-2330-2000) to the emergency response fund (234-00-2589) of the state fire marshal. The state fire marshal shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research and the director of the budget: *Provided,* That the aggregate amount of such transfers for the fiscal year ending June 30, 2020, shall not exceed \$500,000.

(c) During the fiscal year ending June 30, 2020, the director of the budget and the director of legislative research shall consult periodically and review the balance credited to and the estimated receipts to be credited to the fire marshal fee fund (234-00-2330-2000) during fiscal year 2020, and, upon a finding by the director of the budget in consultation with the director of legislative research that the total of the unencumbered balance and estimated receipts to be credited to the fire marshal fee fund during fiscal year 2020 are insufficient to fund the budgeted expenditures and transfers from the fire marshal fee fund for fiscal year 2020 in accordance with the provisions of appropriation acts, the director of the budget shall certify such finding to the director of accounts and reports. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount of moneys from the emergency response fund (234-00-2589) to the fire marshal fee fund that is required, in accordance with the certification by the director of the budget under this subsection, to fund the budgeted expenditures and transfers from the fire marshal fee fund for the remainder of fiscal year 2020 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant

to such certification.

(d) During the fiscal year ending June 30, 2020, the director of the budget and the director of legislative research shall consult periodically and review the balance credited to and the estimated receipts to be credited to the fire marshal fee fund (234-00-2330-2000) and any other resources available to the fire marshal fee fund during the fiscal year 2020, and, upon a finding by the director of the budget in consultation with the director of legislative research that the total of the unencumbered balance and estimated receipts to be credited to the fire marshal fee fund during fiscal year 2020 are insufficient to meet in full the estimated expenditures for fiscal year 2020 as they become due to meet the financial obligations imposed by law on the fire marshal fee fund as a result of a cash flow shortfall, within the authorized budgeted expenditures in accordance with the provisions of appropriation acts, the director of the budget is authorized and directed to certify such finding to the director of accounts and reports. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount of money specified in such certification from the state general fund to the fire marshal fee fund in order to maintain the cash flow of the fire marshal fee fund for such purposes for fiscal year 2020: *Provided*, That the aggregate amount of such transfers during fiscal year 2020 pursuant to this subsection shall not exceed \$500,000. Within one year from the date of each such transfer to the fire marshal fee fund pursuant to this subsection, the director of accounts and reports shall transfer the amount equal to the amount transferred from the state general fund to the fire marshal fee fund from the fire marshal fee fund to the state general fund in accordance with a certification for such purpose by the director of the budget. At the same time as the director of the budget transmits any certification under this subsection to the director of accounts and reports during fiscal year 2019, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Sec. 116.

KANSAS HIGHWAY PATROL

(a) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$46,741 from the Kansas highway patrol operations fund (280-00-2034-1100) to the state highway fund of the department of transportation.

(b) During the fiscal year ending June 30, 2019 or June 30, 2020, in addition to the other purposes for which expenditures may be made from the Kansas highway patrol operations fund for fiscal year 2019 or 2020 by the above agency by this or other appropriation act of the 2018 or 2019 regular session of the legislature, expenditures shall be made by the above agency from such fund to purchase three new statehouse x-ray machines for statehouse security in an amount not to exceed \$150,133.

Sec. 117.

KANSAS HIGHWAY PATROL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund (280-00-2179-2200).....No limit

Provided, That all moneys received from the sale of used equipment, recovery of and reimbursements for expenditures and any other source of revenue shall be deposited in

the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund, except as otherwise provided by law: *Provided further*, That notwithstanding the provisions of article 66 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto, in addition to the other purposes for which expenditures may be made by the above agency from the general fees fund, expenditures shall be made by the above agency from such fund to sell the personal sidearm, with a trigger lock, of a part-time state law enforcement officer to such officer, subject to the following: (1) Such officer is resigning; (2) the sale of such personal sidearm shall be for the amount equal to the total of the fair market value of the sidearm, as fixed by the superintendent, plus the cost of the trigger lock; and (3) no sale of a personal sidearm shall be made to any resigning officer unless the superintendent determines that the employment record and performance evaluations of each such officer are satisfactory: *And provided further*, That all proceeds from the sale of personal sidearms and trigger locks shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund.

For patrol of Kansas

turnpike fund (280-00-2514-2500)No limit

Provided, That expenditures shall be made from the for patrol of Kansas turnpike fund for necessary moving expenses in accordance with K.S.A. 75-3225, and amendments thereto.

Highway patrol motor

vehicle fund (280-00-2317-2800).....No limit

State forfeiture

fund – pending (280-00-2264-2264).....No limit

Kansas highway patrol state

forfeiture fund (280-00-2413-2100).....No limit

Provided, That, notwithstanding the provisions of K.S.A. 60-4117, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2020, expenditures may be made from the Kansas highway patrol state forfeiture fund for salaries and wages, and associated fringe benefits of non-supervisory personnel.

Disaster grants – public assistance –

federal fund (280-00-3005-3005).....No limit

Edward Byrne memorial assistance grant –

state and local law enforcement –

federal fund (280-00-3213-3213).....No limit

Bulletproof vest partner –

federal fund (280-00-3216-3216).....No limit

Performance registration

information system management –

federal fund (280-00-3239-3239).....No limit

Commercial vehicle

information system network –

federal fund (280-00-3244-3244).....No limit

Highway planning and construction –

federal fund (280-00-3333-3333).....No limit

KHP federal forfeiture –

federal fund (280-00-3545).....	No limit
<i>Provided</i> , That expenditures may be made from the KHP federal forfeiture – federal fund by the above agency for the capital improvement project or projects for troop F headquarters.	
High intensity drug trafficking areas –	
federal fund (280-00-3615-3000).....	No limit
Homeland security program –	
federal fund (280-00-3629).....	No limit
Edward Byrne memorial	
justice assistance grant –	
federal fund (280-00-3057).....	No limit
Emergency ops cntr –	
federal fund (280-00-3808-3808).....	No limit
State and community highway safety –	
federal fund (280-00-3815-3815).....	No limit
Gifts and donations fund (280-00-7331).....	No limit
<i>Provided</i> , That expenditures from the gifts and donations fund for official hospitality shall not exceed \$1,000.	
Motor carrier safety assistance program	
state fund (280-00-2208).....	No limit
<i>Provided</i> , That expenditures shall be made from the motor carrier safety assistance program state fund for necessary moving expenses in accordance with K.S.A. 75-3225, and amendments thereto.	
National motor carrier safety assistance program –	
federal fund (280-00-3073).....	No limit
<i>Provided</i> , That expenditures shall be made from the national motor carrier safety assistance program – federal fund for necessary moving expenses in accordance with K.S.A. 75-3225, and amendments thereto.	
Aircraft fund – on budget (280-00-2368-2360).....	No limit
Highway safety fund (280-00-2217-2250).....	No limit
Capitol area security fund (280-00-6143-6100).....	No limit
Vehicle identification number	
fee fund (280-00-2213).....	No limit
Motor vehicle fuel and storeroom	
sales fund (280-00-6155-6200).....	No limit
<i>Provided</i> , That expenditures may be made from the motor vehicle fuel and storeroom sales fund to acquire and sell commodities and to provide services to local governments and other state agencies: <i>Provided further</i> , That the superintendent of the Kansas highway patrol is hereby authorized to fix, charge and collect fees for such commodities and services: <i>And provided further</i> , That such fees shall be fixed in order to recover all or part of the expenses incurred in acquiring or providing and selling such commodities and services: <i>And provided further</i> , That all fees received for such commodities and services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the motor vehicle fuel and storeroom sales fund.	
Kansas highway patrol	
operations fund (280-00-2034-1100).....	\$52,692,000

Provided, That expenditures from the Kansas highway patrol operations fund for official hospitality shall not exceed \$3,000: *Provided further*; That expenditures may be made from the Kansas highway patrol operations fund for the purchase of civilian clothing for members of the Kansas highway patrol assigned to duties pursuant to K.S.A. 74-2105, and amendments thereto: *And provided further*; That the superintendent shall make expenditures from the Kansas highway patrol operations fund for necessary moving expenses in accordance with K.S.A. 75-3225, and amendments thereto.

Highway patrol training

center fund (280-00-2306).....No limit

Provided, That expenditures may be made from the highway patrol training center fund for use of the highway patrol training center by other state agencies, local government agencies and not-for-profit organizations: *Provided further*; That the superintendent of the Kansas highway patrol is hereby authorized to fix, charge and collect fees for recovery of costs associated with use of the highway patrol training center by other state agencies, local government agencies and not-for-profit organizations: *And provided further*; That such fees shall be fixed in order to recover all or part of the expenses incurred in providing for the use of the highway patrol training center by other state or local government agencies: *And provided further*; That all fees received for use of the highway patrol training center by other state agencies, local government agencies or not-for-profit organizations shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the highway patrol training center fund.

Executive aircraft fund (280-00-6144-6120).....No limit

Provided, That expenditures may be made from the executive aircraft fund to provide aircraft services to other state agencies and to purchase liability and property damage insurance for state aircraft: *Provided further*; That the superintendent of the highway patrol is hereby authorized to fix, charge and collect fees for such aircraft services to other state agencies: *And provided further*; That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing such services: *And provided further*; That all fees received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the executive aircraft fund.

1122 program clearing fund (280-00-7280).....No limit

Kansas highway patrol staffing and

training fund (280-00-2211-2211).....No limit

BAU fund.....No limit

Homeland sec grant prog fund.....No limit

(b) On or before the 10th of each month during the fiscal year ending June 30, 2020, the director of accounts and reports shall transfer from the state general fund to the 1122 program clearing fund (280-00-7280-7280) interest earnings based on: (1) The average daily balance of moneys in the 1122 program clearing fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

(c) On July 1, 2019, and January 1, 2020, or as soon thereafter each such date as moneys are available, the director of accounts and reports shall transfer an amount specified by the executive director of the state corporation commission, with the approval of the director of the budget, of not more than \$650,000 from the motor carrier

license fees fund (143-00-2812-5500) of the state corporation commission to the motor carrier safety assistance program state fund (280-00-2208) of the Kansas highway patrol.

(d) On July 1, 2019, October 1, 2019, January 1, 2020, and April 1, 2020, or as soon thereafter each such date as moneys are available, the director of accounts and reports shall transfer \$13,173,000 from the state highway fund of the department of transportation to the Kansas highway patrol operations fund (280-00-2034-1100) of the Kansas highway patrol for the purpose of financing the Kansas highway patrol operations. In addition to other purposes for which expenditures may be made from the state highway fund during fiscal year 2020 and notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, transfers and expenditures may be made from the state highway fund during fiscal year 2020 for support and maintenance of the Kansas highway patrol.

(e) On July 1, 2019, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$295,000 from the state highway fund of the department of transportation to the highway safety fund (280-00-2217-2250) of the Kansas highway patrol for the purpose of financing the motorist assistance program of the Kansas highway patrol.

(f) On July 1, 2019, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$250,000 from the state highway fund of the department of transportation to the general fees fund (280-00-2179-2200) of the Kansas highway patrol for the purpose of financing operating expenditures of the Kansas highway patrol.

(g) On July 1, 2019, and January 1, 2020, or as soon thereafter each such date as moneys are available, notwithstanding the provisions of K.S.A. 74-2136, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$300,000 from the highway patrol motor vehicle fund (280-00-2317-2800) of the Kansas highway patrol to the aircraft fund – on budget (280-00-2368-2360) of the Kansas highway patrol.

Sec. 118.

ATTORNEY GENERAL – KANSAS
BUREAU OF INVESTIGATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Opioid summit fund.....No limit

Sec. 119.

ATTORNEY GENERAL – KANSAS
BUREAU OF INVESTIGATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Operating expenditures (083-00-1000).....\$23 ,147,971

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated to the operating

expenditures account for fiscal year 2020: *Provided, however;* That expenditures from the operating expenditures account for official hospitality shall not exceed \$750: *Provided further;* That, if 2019 Substitute for Senate Bill No. 219, or any other legislation that requires the Kansas bureau of investigation to establish and maintain a database which shall be a central repository for the information required to be provided under K.S.A. 2018 Supp. 50-6,110, and amendments thereto, is not passed by the legislature during the 2019 regular session and enacted into law, then on July 1, 2019, of the amount appropriated for the above agency for the fiscal year ending June 30, 2020, by this section from the state general fund in the operating expenditures account, the sum of \$180,000 is hereby lapsed.

Meth lab cleanup (083-00-1000-0200).....\$50,000

Provided, That any unencumbered balance in the meth lab cleanup account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further;* That the above agency is hereby authorized to make expenditures from the meth lab cleanup account to contract for services for remediation of sites determined by law enforcement as hazardous resulting from the production of methamphetamine.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas bureau of investigation state

forfeiture fund (083-00-2283).....No limit

Provided, That expenditures made from the Kansas bureau of investigation state forfeiture fund shall not be considered a source of revenue to meet normal operating expenses, but for such special, additional law enforcement purposes including direct or indirect operating expenditures incurred for conducting educational classes and training for special agents and other personnel, including official hospitality.

Federal forfeiture fund (083-00-3940).....No limit

Provided, That expenditures made from the federal forfeiture fund shall not be considered a source of revenue to meet normal operating expenses, but for such special, additional law enforcement purposes including direct or indirect operating expenditures incurred for conducting educational classes and training for special agents and other personnel, including official hospitality.

High intensity drug trafficking area –

federal fund (083-00-3349-3100).....No limit

Federal grants – marijuana eradication –

federal fund (083-00-3350).....No limit

eCitation national priority safety program –

federal fund (083-00-3092).....No limit

Ncs-x grant – federal fund (083-00-3580-3580).....No limit

Criminal justice information system

line fund (083-00-2457).....No limit

Provided, That in addition to the other purposes for which expenditures may be made from the criminal justice information system line fund pursuant to K.S.A. 74-5707, and amendments thereto, expenditures may be made from the criminal justice information system line fund for salaries and wages, contractual services, commodities and capital outlay for the maintenance and support of the Kansas criminal justice information

system.

DNA database fund (083-00-2676-2700).....No limit

Kansas bureau of investigation motor

vehicle fund (083-00-2344-2050).....No limit

Provided, That expenditures may be made from the Kansas bureau of investigation motor vehicle fund to acquire and sell motor vehicles for the Kansas bureau of investigation: *Provided further*, That all moneys received for sale of motor vehicles of the Kansas bureau of investigation shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Kansas bureau of investigation motor vehicle fund.

Forensic laboratory and materials

fee fund (083-00-2077).....No limit

Provided, That expenditures may be made from the forensic laboratory and materials fee fund for the acquisition of laboratory equipment and materials and for other direct or indirect operating expenditures for the forensic laboratory of the Kansas bureau of investigation: *Provided, however*, That all expenditures from this fund of moneys received as Kansas bureau of investigation laboratory analysis fees pursuant to K.S.A. 28-176, and amendments thereto, shall be for the purposes authorized by K.S.A. 28-176(e), and amendments thereto: *Provided further*, That all fees received for such laboratory tests, including all moneys received pursuant to K.S.A. 28-176(a), and amendments thereto, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the forensic laboratory and materials fee fund.

General fees fund (083-00-2140).....No limit

Provided, That expenditures may be made from the general fees fund for direct or indirect operating expenditures incurred for the following activities: (1) Conducting education and training classes for special agents and other personnel, including official hospitality; (2) purchasing illegal drugs, making contacts and acquiring information leading to illegal drug outlets, contraband and stolen property, and conducting other activities for similar investigatory purposes; (3) conducting investigations and related activities for the Kansas lottery or the Kansas racing and gaming commission; (4) conducting DNA forensic laboratory tests and related activities; (5) preparing, publishing and distributing crime prevention materials; and (6) conducting agency operations: *Provided, however*, That the director of the Kansas bureau of investigation is hereby authorized to fix, charge and collect fees in order to recover all or part of the direct and indirect operating expenses incurred, except as otherwise hereinafter provided, for the following: (1) Education and training services made available to local law enforcement personnel in classes conducted for special agents and other personnel of the Kansas bureau of investigation; (2) investigations and related activities conducted for the Kansas lottery or the Kansas racing and gaming commission, except that the fees fixed for these activities shall be fixed in order to recover all of the direct and indirect expenses incurred for such investigations and related activities; (3) DNA forensic laboratory tests and related activities; and (4) sale and distribution of crime prevention materials: *Provided further*, That all fees received for such activities shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund: *And provided further*, That all moneys that are expended for any such evidence purchase, information

acquisition or similar investigatory purpose or activity from whatever funding source and that are recovered shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund: *And provided further*, That all moneys received as gifts, grants or donations for the preparation, publication or distribution of crime prevention materials shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund: *And provided further*, That expenditures from any moneys received from the division of alcoholic beverage control and credited to the general fees fund may be made by the Kansas bureau of investigation for all purposes for which expenditures may be made for operating expenditures: *And provided further*, That expenditures from any moneys received from the Kansas criminal justice information system committee and credited to the general fees fund may be made by the Kansas bureau of investigation for all purposes for which expenditures may be made for training activities and official hospitality.

Record check fee fund (083-00-2044-2010).....No limit

Provided, That the director of the Kansas bureau of investigation is authorized to fix, charge and collect fees in order to recover all or part of the direct and indirect operating expenses for criminal history record checks conducted for noncriminal justice entities including government agencies and private organizations: *Provided, however*, That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the record check fee fund: *Provided further*, That expenditures may be made from the record check fee fund for operating expenditures of the Kansas bureau of investigation.

Intergovernmental

 service fund (083-00-6119-6100).....No limit

Agency motor pool fund (083-00-6117).....No limit

National criminal history improvement program

 federal fund (083-00-3189-3189).....No limit

Public safety partnership

 and community policing

 federal fund (083-00-3218-3218).....No limit

Forensic DNA backlog reduction

 federal fund (083-00-3226-3226).....No limit

Coverdell forensic sciences improvement

 federal fund (083-00-3227-3227).....No limit

Anti-gang initiative

 federal fund (083-00-3229-3229).....No limit

Homeland security federal fund (083-00-3199).....No limit

State homeland security program

 federal fund (083-00-3629-3629).....No limit

Convicted/arrestee DNA backlog reduction

 federal fund (083-00-3489-3489).....No limit

Disaster grants – public assistance

 federal fund (083-00-3005-3005).....No limit

Ed Byrne memorial justice assistance

 federal fund (083-00-3057).....No limit

Ed Byrne state/local law enforcement	
federal fund (083-00-3213-3213).....	No limit
Violence against women – ARRA	
federal fund (083-00-3214).....	No limit
AWA implementation grant program	
federal fund (083-00-3228-3228).....	No limit
Ed Byrne memorial JAG – ARRA	
federal fund (083-00-3455-3455).....	No limit
Convicted offender/arrestee	
DNA backlog reduction	
federal fund (083-00-3489-3489).....	No limit
KBI-FBI reimbursement	
federal fund (083-00-3506-3506).....	No limit
Project safe	
neighborhoods fund (083-00-3217-3217).....	No limit
Social security administration reimbursement –	
federal fund (083-00-3560-3560).....	No limit
Bulletproof vest partnership –	
federal fund (083-00-3216-3211).....	No limit
Sexual assault kit grant –	
federal fund (083-00-3146-3146).....	No limit
Opioid summit fund.....	No limit

(c) During the fiscal year ending June 30, 2020, the attorney general may authorize full-time non-FTE unclassified permanent positions and regular part-time non-FTE unclassified permanent positions for the Kansas bureau of investigation that are paid from appropriations for the attorney general – Kansas bureau of investigation for fiscal year 2020 made by this act or other appropriation act of the 2019 regular session of the legislature, which shall be in addition to the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, authorized for fiscal year 2020 for the attorney general – Kansas bureau of investigation. The attorney general shall certify each such authorization for non-FTE unclassified permanent positions for the Kansas bureau of investigation to the director of personnel services of the department of administration and shall transmit a copy of each such certification to the director of legislative research and the director of the budget.

Sec. 120.

EMERGENCY MEDICAL SERVICES BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Rural health options	
grant fund (206-00-2329-2500).....	No limit
Emergency medical services	
operating fund (206-00-2326-4000).....	\$1,627,198

Provided, That the emergency medical services board is hereby authorized to fix, charge and collect fees in order to recover costs incurred for distributing educational videos, replacing lost educational materials and mailing labels of those licensed by the

board: *Provided further*, That such fees may be fixed in order to recover all or part of such costs: *And provided further*, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the emergency medical services operating fund: *And provided further*, That, notwithstanding the provisions of K.S.A. 65-6128 or 65-6129b, and amendments thereto, or of any other statute, all moneys received by the emergency medical services board for fees authorized by law for licensure or the issuance of permits, or for any other regulatory duties and functions prescribed by law in the field of emergency medical services, shall be deposited in the state treasury to the credit of the emergency medical services operating fund of the emergency medical services board: *And provided further*, That expenditures from the emergency medical services operating fund for official hospitality shall not exceed \$2,000.

Education incentive grant

payment fund (206-00-2396-2510).....No limit

Provided, That the priority for award of education incentive grants shall be to award such grants to rural areas.

EMS revolving fund (206-00-2449-2400).....No limit

Provided, That, if an organization agrees to receive money from the EMS revolving fund, the organization shall enter into a grant agreement requiring such organization to submit a written report to the emergency medical services board detailing and accounting for all expenditures and receipts related to the use of the moneys received from the EMS revolving fund: *Provided further*, That the emergency medical services board shall prepare a written report specifying and accounting for all moneys allocated to and expended from the EMS revolving fund: *And provided further*, That such report shall be submitted to the house of representatives committee on appropriations and the senate committee on ways and means on or before February 1, 2020.

National bioterrorism hospital preparedness –

federal fund (206-00-3398-3398).....No limit

Highway safety – federal fund (206-00-3815).....No limit

DHH-medicare rural hospital FLEX project –

federal fund (206-00-3293).....No limit

(b) In addition to the other purposes for which expenditures may be made by the emergency medical services board from the emergency medical services operating fund (206-00-2326-4000) for fiscal year 2020 by this or other appropriation act of the 2019 regular session of the legislature, expenditures may be made by the emergency medical services board from the emergency medical services operating fund for fiscal year 2020 for the purpose of implementing a grant program for emergency medical services training and educational assistance for persons in underserved areas: *Provided*, That when issuing such grants, first priority shall be given to ambulance services submitting applications seeking grants to pay the cost of recruiting volunteers and cost of the initial courses of training for attendants and instructor-coordinators: *Provided further*, That the second priority shall be given to ambulance services submitting applications seeking grants to pay the cost of continuing education for attendants and instructor-coordinators: *And provided further*, That the third priority shall be given to ambulance services submitting applications seeking grants to pay the cost of education for attendants and instructor-coordinators who are obtaining a postsecondary education degree.

(c) In addition to the other purposes for which expenditures may be made by the

emergency medical services board from the moneys appropriated from the state general fund or from any special revenue fund or funds for the emergency medical services board for fiscal year 2020, as authorized by this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the emergency medical services board from moneys appropriated from the state general fund or from any special revenue fund or funds for the emergency medical services board for fiscal year 2020 to require emergency medical services agencies in each of the six EMS regions of the state to prepare and submit a report of the expenditures made and moneys received in each of the EMS regions that are related to the operation and administration of the Kansas emergency medical services regional operations to the emergency medical services board: *Provided*, That the report for each EMS region shall specify and account for all moneys appropriated from the state treasury for the emergency medical services board and disbursed to each such EMS region for the operation of the education and training of emergency medical attendants in each such EMS region.

(d) On July 1, 2019, and January 1, 2020, or as soon thereafter each such date as moneys are available, the director of accounts and reports shall transfer \$150,000 from the emergency medical services operating fund (206-00-2326-4000) to the educational incentive grant payment fund (206-00-2396-2510) of the emergency medical services board.

(e) During the fiscal year ending June 30, 2020, the director of the budget and the director of legislative research shall consult periodically and review the balance credited to and the estimated receipts to be credited to the emergency medical services operating fund (206-00-2326-4000) during fiscal year 2020, and, upon a finding by the director of the budget in consultation with the director of legislative research that the total of the unencumbered balance and estimated receipts to be credited to the emergency medical services operating fund during fiscal year 2020 are insufficient to fund the budgeted expenditures and transfers from the emergency medical services operating fund for fiscal year 2020 in accordance with the provisions of appropriation acts, the director of the budget shall certify such funding to the director of accounts and reports. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount of moneys from the education incentive grant payment fund (206-00-2396-2510) to the emergency medical services operating fund that is required, in accordance with the certification by the director of the budget under this subsection, to fund the budgeted expenditures and transfers from the emergency medical services operating fund for the remainder of fiscal year 2020 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.

(f) During the fiscal year ending June 30, 2020, if any EMS regional council enters into a grant agreement with the emergency medical services board, such council shall be required to submit pursuant to such grant agreement a written report detailing and accounting for all expenditures and receipts of such council during such fiscal year. The emergency medical services board shall prepare a written report specifying and accounting for all moneys received by and expended by each individual council that has reported to the emergency medical services board pursuant to such grant agreement and submit such report to the house of representatives committee on appropriations and the senate committee on ways and means on or before February 1, 2020.

Sec. 121.

KANSAS SENTENCING COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Operating expenditures (626-00-1000-0303).....\$910,818

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*; That expenditures from the operating expenditures account for official hospitality shall not exceed \$900.

Substance abuse treatment programs (626-00-1000-0600).....\$8,878,088

Provided, That any unencumbered balance in the substance abuse treatment programs account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*; That, notwithstanding the provisions of K.S.A. 2018 Supp. 21-6824, and amendments thereto, or any other statute, in addition to other purposes for which expenditures may be made by the above agency from the substance abuse treatment program account of the state general fund during fiscal year 2020, expenditures may be made from such account for operating costs.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund (626-00-2201-2000).....No limit

Statistical analysis – federal fund (626-00-3600).....No limit
Sec. 122.

KANSAS COMMISSION ON PEACE OFFICERS'
STANDARDS AND TRAINING

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas commission on peace officers' standards and training fund (529-00-2583-2580).....\$673,848

Provided, That expenditures from the Kansas commission on peace officers' standards and training fund for official hospitality shall not exceed \$1,000.

Local law enforcement training reimbursement fund (529-00-2746-2700).....No limit
Sec. 123.

KANSAS DEPARTMENT OF AGRICULTURE

(a) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2019, for the state water plan project or projects specified, the following:

Kansas conservation reserve enhancement program fund (046-00-1800-1225).....\$162,972

(b) On the effective date of this act, of the \$1,948,289 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 155(c) of chapter 104 of the 2017 Session Laws of Kansas from the state water plan fund in the water resources cost

share account (046-00-1800-1205), the sum of \$162,972 is hereby lapsed.
Sec. 124.

KANSAS DEPARTMENT OF AGRICULTURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Operating expenditures (046-00-1000-0053).....\$9,672,755

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated to the operating expenditures account for fiscal year 2020: *Provided further*; That expenditures from this account for official hospitality shall not exceed \$10,000.

Cattle trace (046-00-1000-0055).....\$250,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Dairy fee fund (046-00-2105-1015).....No limit

Meat and poultry inspection

fee fund (046-00-2004-0700).....No limit

Plant protection

fee fund (046-00-2006-0900).....No limit

Laboratory equipment

fund (046-00-2710-2700).....No limit

Water structures – state

highway fund (046-00-2043-1080).....No limit

Soil amendment fee fund (046-00-2117-1100).....No limit

Agricultural liming materials

fee fund (046-00-2118-1200).....No limit

Weights and measures

fee fund (046-00-2165-1500).....No limit

Water appropriation

certification fund (046-00-2168-1600).....No limit

Water resources

cost fund (046-00-2110-1020).....No limit

Provided, That all moneys received by the secretary of agriculture from any governmental or nongovernmental source to implement the provisions of the Kansas water banking act, K.S.A. 2018 Supp. 82a-761 through 82a-773, and amendments thereto, which are hereby authorized to be applied for and received, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the water resources cost fund.

Agriculture seed

fee fund (046-00-2187-2720).....No limit

Chemigation fee fund (046-00-2194-1800).....No limit

Petroleum inspection

fee fund (046-00-2550-2550).....No limit

Kansas agricultural

remediation fund (046-00-2095-1090).....No limit

Warehouse fee fund (046-00-2809-4700).....No limit

U.S. geological survey
 cooperative gauge agreement
 grants fund (046-00-2629-2800).....No limit
Provided, That the secretary of agriculture is hereby authorized to enter into a cooperative gauge agreement with the United States geological survey: *Provided further*, That all moneys collected for the construction or operation of river water intake gauges shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the U.S. geological survey cooperative gauge agreement grants fund: *And provided further*, That expenditures may be made from this fund to pay the costs incurred in the construction or operation of river water intake gauges.

Agricultural chemical
 fee fund (046-00-2800-2900).....No limit

Feeding stuffs
 fee fund (046-00-2801-4000).....No limit

Fertilizer fee fund (046-00-2802-4100).....No limit

Plant pest emergency
 response fund (046-00-2210-1805).....No limit

Pesticide use fee fund (046-00-2804-4300).....No limit

Egg fee fund (046-00-2808-4600).....No limit

Water structures fund (046-00-2037-1075).....No limit

Meat and poultry inspection
 fund – federal (046-00-3013).....No limit

EPA pesticide performance partnership grant –
 federal fund (046-00-3295-3290).....No limit

FEMA dam safety –
 federal fund (046-00-3362-3353).....No limit

State trade and export promotion –
 federal fund (046-00-3573-3576).....No limit

Conversion of materials and
 equipment fund (046-00-2402-2200).....No limit

Trademark fund (046-00-2333-2360).....No limit

Water structures USGS
 LIDAR grant (046-00-3080-3080).....No limit

Water structures NRCS
 LIDAR grant (046-00-3081-3081).....No limit

Specialty crop block
 grant fund (046-00-3463-3300).....No limit

Market development
 fund (046-00-2331-2351).....No limit
Provided, That expenditures may be made from the market development fund for official hospitality: *Provided further*, That expenditures may be made from the market development fund for loans pursuant to loan agreements, which are hereby authorized to be entered into by the secretary of agriculture: *And provided further*, That all moneys received by the department of agriculture for repayment of loans made under the agricultural value added center program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall

be credited to the market development fund.

Reimbursement and recovery fund (046-00-2773-2294).....No limit

Provided, That expenditures may be made from the reimbursement and recovery fund for official hospitality.

Conference registration and disbursement fund (046-00-2772-2101).....No limit

Provided, That expenditures may be made from the conference registration and disbursement fund for official hospitality.

Buffer participation incentive fund (046-00-2517-2510).....No limit

Land reclamation fee fund (046-00-2542-2090).....No limit

Livestock brand fee fund (046-00-2011-2030).....No limit

Livestock market brand inspection fee fund (046-00-2007-2010).....No limit

Veterinary inspection fee fund (046-00-2009-2020).....No limit

Animal dealers fee fund (046-00-2207-2050).....No limit

Provided, That expenditures from the animal dealers fee fund for official hospitality shall not exceed \$300: *Provided further*; That expenditures shall be made from the animal dealers fee fund by the livestock commissioner for operating expenditures for an educational course regarding animals and their care and treatment as authorized by K.S.A. 47-1707, and amendments thereto, to be provided through the internet or printed booklets: *And provided further*; That, notwithstanding the provisions of any statute to the contrary, during fiscal year 2020 the Kansas department of agriculture may prorate license fees and alter license due dates as needed in order to transition to online license applications and renewals for the fiscal year ending June 30, 2020.

Animal disease control fund (046-00-2202-2500).....No limit

Provided, That expenditures from the animal disease control fund for official hospitality shall not exceed \$450.

Health and human services retail food audit – federal fund (046-00-3429-3410).....No limit

Publications fee fund (046-00-2322-2000).....No limit

Provided, That expenditures may be made from the publications fee fund for operating expenditures related to preparation and publication of informational or educational materials related to the programs or functions of the Kansas department of agriculture: *Provided further*; That, notwithstanding the provisions of K.S.A. 75-1005, and amendments thereto, to the contrary, the secretary of agriculture is hereby authorized to enter into a contract with a commercial publisher for the printing, distribution and sale of such materials: *And provided further*; That the secretary of agriculture is hereby authorized to collect fees from such commercial publisher pursuant to contract with the publisher for the sale of such materials: *And provided further*; That the secretary of agriculture is hereby authorized to receive and accept

grants, gifts, donations or funds from any non-federal source for the printing, publication and distribution of such materials: *And provided further*, That all moneys received from such fees or for such grants, gifts, donations or other funds received for such purpose shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the publications fee fund.

- Homeland security grant –
 - federal fund (046-00-3199-3436).....No limit
- National floodplain insurance assistance (CAP) –
 - federal fund (046-00-3445-3330).....No limit
- Cooperating technical partners –
 - federal fund (046-00-3203-3210).....No limit
- Plant and animal disease & pest control –
 - federal fund (046-00-3360).....No limit
- Market protection/
 - promotion fund (046-00-3104-3315).....No limit
- USDA Kansas forestry service –
 - federal fund (046-00-3426-3380).....No limit
- Food safety fee fund (046-00-2813-4805).....No limit
- Gifts and donations fund (046-00-7305-7000).....No limit

Provided, That the secretary of agriculture is hereby authorized to receive gifts and donations of resources and money for services for the benefit and support of agriculture and purposes related thereto: *Provided further*, That such gifts and donations of money shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the gifts and donations fund.

- General fees fund (046-00-2346-2100).....No limit

Provided, That expenditures may be made from the general fees fund for operating expenditures for the regulatory programs of the Kansas department of agriculture and for official hospitality: *Provided further*, That the director of accounts and reports shall transfer an amount or amounts specified by the secretary of agriculture from any special revenue fund or funds of the department of agriculture that have available moneys to the general fees fund: *And provided further*, That the director of accounts and reports shall transmit a copy of such transfer request to the director of legislative research.

- Lodging fee fund (046-00-2456-2400).....No limit
- Watershed protect approach/WTR RSRCE

- MGT fund (046-00-3889).....No limit

- NRCS contribution agreement farm bill –
 - federal fund (046-00-3917-3800).....No limit

- Compliance education
 - fee fund (046-00-2757-2757).....No limit

Provided, That all expenditures from the compliance education fee fund shall be for the purposes of compliance education: *Provided further*, That, notwithstanding the provisions of any statute to the contrary, during fiscal year 2020, the secretary of agriculture is hereby authorized to remit and designate amounts of moneys collected for civil fines and penalties by the department of agriculture to the state treasurer for deposit in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, to the credit of the compliance education fee fund: *And provided*

furthur, That, upon receipt of each such remittance and designation, the state treasurer shall credit the entire amount of such remittance to the compliance education fee fund.

Laboratory testing services

fee fund (046-00-2752-2752).....No limit

Provided, That expenditures may be made from the laboratory testing services fee fund for administrative operating expenditures of the agriculture laboratory of the Kansas department of agriculture: Provided furthur, That the director of accounts and reports shall transfer an amount or amounts specified by the secretary of agriculture from any special revenue fund or funds of the department of agriculture that have available moneys to the laboratory testing services fee fund: And provided furthur, That the director of accounts and reports shall transmit a copy of such transfer request to the director of legislative research.

Arkansas river gaging fund (046-00-2751-2751).....No limit

Food/drug administration/research (046-00-3462).....No limit

Biofuel infrastructure

program (046-00-3579-3579).....No limit

AMS farmers market

promotion program (046-00-3588-3588).....No limit

Grain commodity commission

services fund (046-00-2018-1070).....No limit

Commercial industrial hemp act licensing

fee fund (046-00-2343-2343).....No limit

Plant/animal disease and pest control (046-00-3360).....No limit

Service member ag grant (046-00-3185-3185).....No limit

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2020, for the water plan project or projects specified, the following:

Water resources

cost share (046-00-1800-1205).....\$2,448,289

Provided, That any unencumbered balance in the water resources cost share account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: Provided furthur, That the initial allocation for grants to conservation districts for fiscal year 2020 shall be made on a priority basis, as determined by the secretary of agriculture and the provisions of the state water plan: And provided furthur, That expenditures from this account for contractual technical expertise and/or non-salary administration expenditures for the division of conservation of the Kansas department of agriculture shall not exceed the amount equal to 6.0% of the budget amount for fiscal year 2020 for the water resources cost share account.

Nonpoint source

pollution assistance (046-00-1800-1210).....\$1,857,836

Provided, That any unencumbered balance in the nonpoint source pollution assistance account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Conservation district aid (046-00-1800-1220).....\$2,192,637

Provided, That any unencumbered balance in the conservation district aid account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Watershed dam

construction (046-00-1800-1240).....\$550,000
Provided, That any unencumbered balance in the watershed dam construction account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*; That expenditures from the watershed dam construction account are hereby authorized for engineering contracts for watershed planning as determined by the secretary of agriculture.

Kansas water quality
 buffer initiatives (046-00-1800-1250).....\$200,000
Provided, That any unencumbered balance in the Kansas water quality buffer initiatives account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*; That all expenditures from the Kansas water quality buffer initiatives account shall be for grants or incentives to install water quality best management practices: *And provided further*; That such expenditures may be made from this account from the approved budget amount for fiscal year 2020 in accordance with contracts, which are hereby authorized to be entered into by the secretary of agriculture, for such grants or incentives.

Riparian and
 wetland program (046-00-1800-1260).....\$154,024
Provided, That any unencumbered balance in the riparian and wetland program account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Basin management (046-00-1800-0080).....\$608,949
Provided, That any unencumbered balance in the basin management account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Water use (046-00-1800-0075).....\$72,600
Provided, That any unencumbered balance in the water use account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Interstate water issues (046-00-1800-0070).....\$490,007
Provided, That any unencumbered balance in the interstate water issues account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Kansas conservation reserve enhancement
 program fund (046-00-1800-1225).....\$299,745
Provided, That any unencumbered balance in the Kansas conservation reserve enhancement program fund account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Streambank stabilization
 projects (046-00-1800-1290).....\$500,000
Provided, That any unencumbered balance in the streambank stabilization projects account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Irrigation technology (046-00-1800-0088).....\$100,000
Provided, That any unencumbered balance in the irrigation technology account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Crop and livestock research (046-00-1800).....\$350,000
Provided, That any unencumbered balance in the crop and livestock research account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(d) During the fiscal year ending June 30, 2020, the secretary of agriculture, with

the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, or upon specific authorization in an appropriation act of the legislature, may transfer any part of any item of appropriation for fiscal year 2020 from the state water plan fund for the Kansas department of agriculture to another item of appropriation for fiscal year 2020 from the state water plan fund for the Kansas department of agriculture: *Provided*, That the secretary of agriculture shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to: (1) The director of legislative research; (2) the chairperson of the house of representatives agriculture and natural resources budget committee; and (3) the appropriate chairperson of the subcommittee on agriculture of the senate committee on ways and means.

(e) On July 1, 2019, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$128,379 from the state highway fund of the department of transportation to the water structures – state highway fund (046-00-2043-1080) of the Kansas department of agriculture.

(f) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2020, the following:
Agriculture marketing

program (046-00-1900-1110).....\$1,020,407

Provided, That expenditures may be made from the agriculture marketing program account for loans pursuant to loan agreements, which are hereby authorized to be entered into by the secretary of agriculture in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary of agriculture therefor under the agricultural value added center program.

Sec. 125.

STATE FAIR BOARD

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Operating expenditures (373-00-1000-0103).....\$150,000

Provided, That the above agency shall make expenditures from the operating expenditures account during the fiscal year 2020 to request assistance from other state agencies to negotiate with the city of Hutchinson on the increase of storm water charges and the electric company on how electricity is calculated.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures, other than refunds authorized by law and remittances of sales tax to the department of revenue, shall not exceed the following:

State fair fee fund (373-00-5182-5100).....No limit

Provided, That expenditures from the state fair fee fund for official hospitality shall not exceed \$10,000.

State fair special cash fund (373-00-9088-9000).....No limit

State fair debt service special revenue fund (373-00-2267-2200).....No limit

Sec. 126.

KANSAS WATER OFFICE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

Water resources operating

expenditures (709-00-1000-0303).....\$996,532

Provided, That any unencumbered balance in the water resources operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*; That expenditures from this account for official hospitality shall not exceed \$1,500.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Local water project

match fund (709-00-2620-3200).....No limit

Provided, That all moneys received from local government entities and instrumentalities to be used to match funds for water projects shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the local water project match fund: *Provided further*; That all moneys credited to this fund shall be used to match state funds or federal funds, or both, for water projects.

Water supply storage

assurance fund (709-00-2631).....No limit

Provided, That no additional water supply storage space shall be purchased in Milford, Perry, Big Hill or Hillsdale reservoirs during fiscal year 2020, unless a contract is entered into under the state water plan storage act, K.S.A. 82a-1301 et seq., and amendments thereto, to supply water to users that is not held under contract in such reservoirs.

State conservation storage water

supply fund (709-00-2502-2600).....No limit

Water marketing fund (709-00-2255-2100).....No limit

Provided, That expenditures may be made from the water marketing fund for the purchase of vessel liability insurance.

General fees fund (709-00-2022-2000).....No limit

Provided, That expenditures may be made from the general fees fund for operating expenditures for the Kansas water office, including training and informational programs and official hospitality: *Provided further*; That the director of the Kansas water office is hereby authorized to fix, charge and collect fees for such programs: *And provided further*; That fees for such programs shall be fixed in order to recover all or part of the operating expenses incurred for such programs, including official hospitality: *And provided further*; That all fees received for such programs and all fees received for providing access to or for furnishing copies of public records shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund.

Indirect cost fund (709-00-2419-2419).....No limit

Motor pool vehicle

replacement fund (709-00-6120-6100).....No limit

Reservoir storage beneficial
 use fund (709-00-2673-2630).....No limit
Provided, That expenditures may be made by the above agency from the reservoir storage beneficial use fund to call water into service for beneficial uses or to complete studies or take actions necessary to ensure reservoir storage sustainability, subject to the availability of moneys credited to the reservoir storage beneficial use fund.

Republican river water
 conservation projects – Nebraska
 moneys fund (709-00-2690-2640).....No limit

Republican river water
 conservation projects – Colorado
 moneys fund (709-00-2691-2680).....No limit

Lower Smoky Hill water supply
 access fund (709-00-2772-2700).....No limit
 Milford RCPP federal fund (709-00-3022-3022).....No limit

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2020, for the state water plan project or projects specified, the following:

Assessment and evaluation (709-00-1800-1110).....\$700,000
Provided, That any unencumbered balance in the assessment and evaluation account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

MOU – storage operations
 and maintenance (709-00-1800-1150).....\$410,000
Provided, That any unencumbered balance in the MOU – storage operations and maintenance account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Stream gaging (709-00-1800-1190).....\$423,130
Provided, That any unencumbered balance in the stream gaging account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Technical assistance to
 water users (709-00-1800-1200).....\$325,000
Provided, That any unencumbered balance in the technical assistance to water users account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Milford lake watershed regional conservation
 partnership program (709-00-1800-1280).....\$200,000
Provided, That any unencumbered balance in the Milford lake watershed regional conservation partnership program account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Best management
 practices implementation (709-00-1800-1286).....\$700,000
 Water vision education (709-00-1800-1281).....\$100,000

Reservoir bathymetric surveys and
 biological research (709-00-1800-1275).....\$350,000
Provided, That any unencumbered balance in the reservoir bathymetric surveys and biological research account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Water technology farms (709-00-1800-1282).....	\$75,000
Equus Beds aquifer chloride plume pilot (709-00-1800-1287).....	\$50,000

(d) During the fiscal year ending June 30, 2020, the director of the Kansas water office, with approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2020 from the state water plan fund for the Kansas water office to another item of appropriation for fiscal year 2020 from the state water plan fund for the Kansas water office: *Provided*, That the director of the Kansas water office shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to: (1) The director of legislative research; (2) the chairperson of the house of representatives agriculture and natural resources budget committee; and (3) the appropriate chairperson of the subcommittee on natural resources of the senate committee on ways and means.

(e) During the fiscal year ending June 30, 2020, if it appears that the resources are insufficient to meet in full the estimated expenditures as they become due to meet the financial obligations imposed by law on the water marketing fund (709-00-2255-2100) of the Kansas water office as a result of a cash flow shortfall, the pooled money investment board is authorized and directed to loan to the director of the Kansas water office a sufficient amount or amounts of moneys to maintain the cash flow of the water marketing fund upon approval of each such loan by the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto. No such loan shall be made unless the terms have been approved by the director of the budget. A copy of the terms of each such loan shall be submitted to the director of legislative research. The pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for each such loan. Each such loan shall be repaid without interest within one year from the date of the loan.

(f) During the fiscal year ending June 30, 2020, if it appears that the resources are insufficient to meet in full the estimated expenditures as they become due to meet the financial obligations imposed by law on the water marketing fund (709-00-2255-2100) of the Kansas water office as a result of increases in water rates, fees or charges imposed by the federal government, the pooled money investment board is authorized and directed to loan to the director of the Kansas water office a sufficient amount or amounts of moneys to reimburse the water marketing fund for increases in water rates, fees or charges imposed by the federal government and to allow the Kansas water office to spread such increases to consumers over a longer period, except that no such loan shall be made unless the terms thereof have been approved by the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto. The pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for each such loan. Each such loan shall bear interest at a rate equal to the net earnings rate for the pooled money investment portfolio at the time of the making of such loan. Such loan shall not be deemed to be an indebtedness or debt of the state of Kansas within the meaning of section 6 of article 11 of the constitution of the state of Kansas. Upon certification to the pooled money investment board by the

director of the Kansas water office of the amount of each loan authorized pursuant to this subsection, the pooled money investment board shall transfer each such amount certified by the director of the Kansas water office from the state bank account or accounts to the water marketing fund of the Kansas water office. The principal and interest of each loan authorized pursuant to this subsection shall be repaid in payments payable at least annually for a period of not more than five years.

(g) During the fiscal year ending June 30, 2020, the director of accounts and reports shall transfer an amount or amounts specified by the director of the Kansas water office prior to April 1, 2020, from the water marketing fund (709-00-2255-2100) to the state general fund, in accordance with the provisions of the state water plan storage act, K.S.A. 82a-1301 et seq., and amendments thereto, and rules and regulations adopted thereunder, for the purposes of making repayments to the state general fund for moneys advanced for annual capital cost payments for water supply storage space in reservoirs.

(h) During the fiscal year ending June 30, 2020, in addition to the other purposes for which expenditures may be made by the Kansas water office from moneys appropriated from the state general fund or any special revenue fund or funds for the above agency for fiscal year 2020 by this or other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the Kansas water office from the state general fund or from any special revenue fund or funds for fiscal year 2020 to provide for the Kansas water office to lead database coordination of water quality and quantity data for all state water agencies and cooperating federal agencies to facilitate policy-making and such other matters relating thereto.

(i) Notwithstanding the provisions of K.S.A. 82a-1315c, and amendments thereto, or any other statute, on July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$414,574 from the water marketing fund (709-00-2255-2100) of the Kansas water office to the state general fund.

(j) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,260,426 from the state water plan fund to the state general fund: *Provided*, That the amount transferred from the state water plan fund to the state general fund pursuant to this subsection is to reimburse the state general fund for bond payments for the John Redmond reservoir dredging project.

(k) During the fiscal year ending June 30, 2020, the director of the Kansas water office shall certify to the director of accounts and reports the amount of moneys expended by the Kansas department of agriculture from the state general fund that is attributable to the administration of the state water plan storage act, K.S.A. 82a-1301 et seq., and amendments thereto, or the water assurance program act, K.S.A. 82a-1330 et seq., and amendments thereto: *Provided*, That upon receipt of such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount certified from the water marketing fund (709-00-2255-2100) of the Kansas water office to the state general fund: *Provided further*, That the director of the Kansas water office shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

Sec. 127.

KANSAS DEPARTMENT OF
WILDLIFE, PARKS AND TOURISM

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 114(f) of

chapter 109 of the 2018 Session Laws of Kansas on the wildlife fee fund (710-00-2300-2890) of the Kansas department of wildlife, parks and tourism is hereby decreased from \$34,181,260 to \$33,237,046.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the parks fee fund (710-00-2122-2053) of the Kansas department of wildlife, parks and tourism is hereby increased from \$10,036,957 to \$10,575,999.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the boating fee fund (710-00-2245-2813) of the Kansas department of wildlife, parks and tourism is hereby decreased from \$1,180,077 to \$1,179,289.

(d) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the department access roads fund (710-00-2178-2761) of the Kansas department of wildlife, parks and tourism is hereby decreased from \$1,681,693 to \$1,675,917.

(e) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (710-00-1900-1910).....	\$7,922
State parks operating	
expenditures (710-00-1900-1920).....	\$17,903
Travel and tourism operating	
expenditures (710-00-1900-1901).....	\$576

(f) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$59,630 from the state highway fund of the department of transportation to the department access roads fund (710-00-2178-2760) of the Kansas department of wildlife, parks and tourism.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the parks fee fund for fiscal year 2019 as authorized by section 226(e) of chapter 104 of the 2017 Session Laws of Kansas, expenditures may be made by the above agency from the following capital improvement account or accounts of the parks fee fund for fiscal year 2019 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Parks rehabilitation and	
repair projects (710-00-2122-2066).....	\$180,500
Debt service – Kansas City	
district office (710-00-2122-2058).....	\$20,594

Provided, That all expenditures from such capital improvement accounts shall be in addition to any expenditure limitation imposed on the parks fee fund for fiscal year 2019.

(h) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2019 as authorized by section 226(g) of chapter 104 of the 2017 Session Laws of Kansas, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fee fund for fiscal year 2019 for the following capital improvement project or

projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair (710-00-2300-3262)..... \$2,447,000

Provided, That all expenditures from such capital improvement account shall be in addition to any expenditure limitation imposed on the wildlife fee fund for fiscal year 2019.

(i) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2019 as authorized by section 226(f) of chapter 104 of the 2017 Session Laws of Kansas, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating fee fund for fiscal year 2019 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Coast guard boating projects (710-00-2245-2840)..... \$12,500

Provided, That all expenditures from such capital improvement account shall be in addition to any expenditure limitation imposed on the boating fee fund for fiscal year 2019.

(j) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 226(g) of chapter 104 of the 2017 Session Laws of Kansas on the land acquisition account of the wildlife fee fund (710-00-2300-3040) of the Kansas department of wildlife, parks and tourism is hereby decreased from \$400,000 to \$300,000.

(k) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 226(g) of chapter 104 of the 2017 Session Laws of Kansas on the state fishing lake projects account of the wildlife fee fund (710-00-2300-4320) of the Kansas department of wildlife, parks and tourism is hereby decreased from \$125,000 to \$87,500.

(l) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 226(i) of chapter 104 of the 2017 Session Laws of Kansas on the wetlands acquisition and development account of the wildlife restoration fund (710-00-3418-3420) of the Kansas department of wildlife, parks and tourism is hereby decreased from \$450,000 to \$225,000.

(m) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 226(k) of chapter 104 of the 2017 Session Laws of Kansas on the wetlands acquisition account of the migratory waterfowl propagation and protection fund (710-00-2600-3330) of the Kansas department of wildlife, parks and tourism is hereby decreased from \$200,000 to \$100,000.

(n) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 226(m) of chapter 104 of the 2017 Session Laws of Kansas on the recreational trails program account of the recreational trails program fund (710-00-3238-3238) of the Kansas department of wildlife, parks and tourism is hereby increased from \$400,000 to \$2,174,000.

Sec. 128.

KANSAS DEPARTMENT OF
WILDLIFE, PARKS AND TOURISM

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2020, the following:

Operating expenditures (710-00-1900-1910).....\$1,733,664

Provided, That any unencumbered balance in the operating expenditures account in

excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however,* That expenditures from this account for official hospitality shall not exceed \$1,000: *Provided further,* That, in addition to the other purposes for which expenditures may be made by the above agency from the operating expenditures account for fiscal year 2020, expenditures shall be made by the above agency from the operating expenditures account for fiscal year 2020 to include a provision on the calendar year 2020 applications for hunting licenses, fishing licenses and annual park permits for the applicant to make a voluntary contribution of \$2 or more to support the annual licenses issued to Kansas disabled veterans, annual licenses issued to Kansas national guard members, and annual park permits issued to Kansas national guard members: *And provided further,* That all moneys received as voluntary contributions to support the annual licenses issued to Kansas disabled veterans, annual licenses issued to Kansas national guard members, and annual park permits issued to Kansas national guard members shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, to the credit of the free licenses and permits fund.

State parks operating

expenditures (710-00-1900-1920).....\$1,556,761

Provided, That any unencumbered balance in the state parks operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Travel and tourism operating

expenditures (710-00-1900-1901).....\$1,691,279

Provided, That expenditures from the travel and tourism operating expenditures fund for official hospitality shall not exceed \$4,000.

Reimbursement for annual

licenses issued to national

guard members (710-00-1900-1930).....\$36,342

Provided, That any unencumbered balance in the reimbursement for annual licenses issued to national guard members account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further,* That all moneys in the reimbursement for annual licenses issued to national guard members account shall be expended to pay the wildlife fee fund for the cost of fees for annual hunting and annual fishing licenses issued for the calendar year 2020 to Kansas army or air national guard members, which licenses are hereby authorized to be issued without charge to such members in accordance with policies and procedures prescribed by the secretary of wildlife, parks and tourism therefor and subject to the limitation of the moneys appropriated and available in the reimbursement for annual licenses issued to national guard members account to pay the wildlife fee fund for such licenses.

Reimbursement for annual

park permits issued to national

guard members (710-00-1900-1940).....\$17,922

Provided, That any unencumbered balance in the reimbursement for annual park permits issued to national guard members account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further,* That all moneys in the reimbursement for annual park permits issued to national guard members account shall be expended to pay the parks fee fund for the cost of fees for annual park vehicle

permits issued for the calendar year 2020 to Kansas army or air national guard members, which annual park vehicle permits are hereby authorized to be issued without charge to such members in accordance with policies and procedures prescribed by the secretary of wildlife, parks and tourism therefor and subject to the limitation of the moneys appropriated and available in the reimbursement for annual park permits issued to national guard members account to pay the parks fee fund for such permits: *Provided further*; That not more than one annual park vehicle permit per family shall be eligible to be paid from this account.

Reimbursement for annual

licenses issued to Kansas

disabled veterans (710-00-1900-1950).....\$69,827

Provided, That any unencumbered balance in the reimbursement for annual licenses issued to Kansas disabled veterans account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*; That all moneys in the reimbursement for annual licenses issued to Kansas disabled veterans account shall be expended to pay the wildlife fee fund for the cost of fees for annual hunting and annual fishing licenses issued for the calendar year 2020 to Kansas disabled veterans, which licenses are hereby authorized to be issued without charge to such veterans in accordance with policies and procedures prescribed by the secretary of wildlife, parks and tourism therefor and subject to the limitation of the moneys appropriated and available in the reimbursement for annual licenses issued to Kansas disabled veterans account to pay the wildlife fee fund for such licenses: *Provided, however*; That to qualify for such license without charge, the resident disabled veteran shall have been separated from the armed services under honorable conditions, have a disability certified by the Kansas commission on veterans affairs as being service connected and such service-connected disability is equal to or greater than 30%: *And provided further*; That no other hunting or fishing licenses or permits shall be eligible to be paid from this account.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Wildlife fee fund (710-00-2300-2890).....\$33,706,257

Provided, That additional expenditures may be made from the wildlife fee fund for fiscal year 2020 for the purposes of compensating federal aid program expenditures, if necessary, in order to comply with requirements established by the United States fish and wildlife service for the utilization of federal aid funds: *Provided further*; That all such expenditures shall be in addition to any expenditure limitation imposed upon the wildlife fee fund for fiscal year 2020: *And provided further*; That the secretary of wildlife, parks and tourism shall report all such expenditures to the governor and the legislature as appropriate: *And provided further*; That expenditures from the wildlife fee fund for official hospitality shall not exceed \$2,000.

Parks fee fund (710-00-2122-2053).....\$10,427,406

Provided, That additional expenditures may be made from the parks fee fund for fiscal year 2020 for the purposes of compensating federal aid program expenditures, if necessary, in order to comply with requirements established by the United States fish and wildlife service for the utilization of federal aid funds: *Provided further*; That all

such expenditures shall be in addition to any expenditure limitation imposed upon the parks fee fund for fiscal year 2020: *And provided further*, That the secretary of wildlife, parks and tourism shall report all such expenditures to the governor and the legislature as appropriate.

Boating fee fund (710-00-2245-2813).....\$1,179,765

Provided, That additional expenditures may be made from the boating fee fund for fiscal year 2020 for the purposes of compensating federal aid program expenditures, if necessary, in order to comply with requirements established by the United States fish and wildlife service for the utilization of federal aid funds: *Provided further*; That all such expenditures shall be in addition to any expenditure limitation imposed upon the boating fee fund for fiscal year 2020: *And provided further*; That the secretary of wildlife, parks and tourism shall report all such expenditures to the governor and the legislature as appropriate: *And provided further*; That expenditures from this fund for official hospitality shall not exceed \$2,000.

Central aircraft fund (710-00-6145-6100).....No limit

Provided, That expenditures may be made by the above agency from the central aircraft fund for aircraft operating expenditures, for aircraft maintenance and repair, to provide aircraft services to other state agencies and for the purchase of state aircraft insurance: *Provided further*; That the secretary of wildlife, parks and tourism is hereby authorized to fix, charge and collect fees for the provision of aircraft services to other state agencies: *And provided further*; That such fees shall be fixed to recover all or part of the operating expenditures incurred in providing such services: *And provided further*; That all fees received for such services shall be credited to the central aircraft fund.

Department access

roads fund (710-00-2178-2761).....\$1,675,915

Wildlife, parks and tourism

nonrestricted fund (710-00-2065-2120).....No limit

Prairie spirit rails-to-trails

fee fund (710-00-2025-2030).....No limit

Plant and animal disease and pest

control fund (710-00-3360-3361).....No limit

Nongame wildlife

improvement fund (710-00-2593-3300).....No limit

Wildlife conservation

fund (710-00-2100-2020).....No limit

Federally licensed wildlife

areas fund (710-00-2670-3400).....No limit

State agricultural

production fund (710-00-2050-5100).....No limit

Land and water conservation

fund – state (710-00-3794-3920).....No limit

Land and water conservation

fund – local (710-00-3794-3795).....No limit

Development and

promotions fund (710-00-2097-2010).....No limit

Department of wildlife

and parks private gifts and

donations fund (710-00-7335-7000).....	No limit
Fish and wildlife	
restitution fund (710-00-2166-2750).....	No limit
Parks restitution fund (710-00-2156-2100).....	No limit
Nonfederal grants fund (710-00-2063-2090).....	No limit
Disaster grants – public	
assistance fund (710-00-3005-3005).....	No limit
Soil/water	
conservation fund (710-00-3083-3083).....	No limit
Navigation projects fund (710-00-3191-3191).....	No limit
Recreation resource	
management fund (710-00-3197-3197).....	No limit
Cooperative endangered species	
conservation fund (710-00-3198-3198).....	No limit
Landowner incentive	
program fund (710-00-3200-3210).....	No limit
Bulletproof vest	
partnership fund (710-00-3216-3216).....	No limit
Recreational trails	
program fund (710-00-3238-3238).....	No limit
Highway planning/	
construction fund (710-00-3333-3333).....	No limit
Americorps – ARRA fund (710-00-3404-3405).....	No limit
Cooperative forestry	
assistance fund (710-00-3426-3426).....	No limit
North America wetland	
conservation fund (710-00-3453-3453).....	No limit
Wildlife services fund (710-00-3485-3485).....	No limit
Fish/wildlife management	
assistance fund (710-00-3495-3495).....	No limit
Fish/wildlife core act fund (710-00-3513-3513).....	No limit
Great plains LCC.....	No limit
USDA Grant Manual Update.....	No limit
Watershed protection/flood	
prevention fund (710-00-3906-3906).....	No limit
Suspense fund (710-00-9159-9000).....	No limit
Employee maintenance deduction	
clearing fund (710-00-9120-9100).....	No limit
Cabin revenue fund (710-00-2668-2660).....	No limit
Feed the hungry fund (710-00-2642-2640).....	No limit
State wildlife grants fund (710-00-3204-3204).....	No limit
Boating safety financial	
assistance fund (710-00-3251-3250).....	No limit
Wildlife restoration fund (710-00-3418-3418).....	No limit
Sport fish restoration fund (710-00-3490-3490).....	No limit
Outdoor recreation	
acquisition, development and	

planning fund (710-00-3794-3794).....	No limit
Publication and other	
sales fund (710-00-2399-2399).....	No limit
<i>Provided</i> , That in addition to other purposes for which expenditures may be made by the above agency from moneys appropriated from the publication and other sales fund for fiscal year 2020, expenditures may be made from such fund for the purpose of compensating federal aid program expenditures, if necessary, in order to comply with the requirements established by the United States fish and wildlife service for utilization of federal aid funds: <i>Provided further</i> ; That all such expenditures shall be in addition to any expenditures made from the publication and other sales fund for fiscal year 2020: <i>And provided further</i> ; That the secretary of wildlife, parks and tourism shall report all such expenditures to the governor and legislature as appropriate.	
Free licenses and	
permits fund (710-00-2493-2493).....	No limit
Enforce underage drinking	
law fund (710-00-3219-3219).....	No limit
Migratory bird monitoring (710-00-3504-3504).....	No limit
Voluntary public access (710-00-3557-3557).....	No limit
Energy efficiency/conservation block	
grant fund (710-00-3157-3157).....	No limit
Endangered species –	
recovery fund (710-00-3209-3209).....	No limit
Wetlands reserve	
program fund (710-00-3007-3060).....	No limit

(c) During the fiscal year ending June 30, 2020, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2020, from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2019 regular session of the legislature, expenditures may be made by the above agency from such moneys appropriated from any special revenue fund or funds for fiscal year 2020, from which expenditures may be made for salaries and wages, for progression within the existing pay structure for natural resource officers of the Kansas department of wildlife, parks and tourism: *Provided, however*; That notwithstanding the provisions of K.S.A. 75-2935, and amendments thereto, or any other statute, the secretary of wildlife, parks and tourism shall not require such officer to transfer into the unclassified service in order to progress within the existing pay structure pursuant to this subsection.

(d) Notwithstanding the provisions of K.S.A. 2018 Supp. 32-9,100, and amendments thereto, or any other statute to the contrary, in addition to the other purposes for which expenditures may be made by the Kansas department of wildlife, parks and tourism from moneys appropriated from the wildlife fee fund (710-00-2300-2880) of the Kansas department of wildlife, parks and tourism for the fiscal year ending June 30, 2020, by this or any other appropriation act of the 2019 regular session of the legislature, expenditures may be made by the above agency from such moneys during fiscal year 2020 to issue senior lifetime hunting and fishing licenses to Kansas resident disabled veterans who are 65 years of age or older: *Provided*, That such licenses are hereby authorized to be issued without charge to such veterans in accordance with

policies and procedures prescribed by the secretary of wildlife, parks and tourism: *Provided further*; That to qualify for such license without charge, the resident disabled veteran shall have been separated from the armed services under honorable conditions and have a disability certified by the Kansas commission on veterans affairs office as being service-related and such service-connected disability is equal to or greater than 30%.

Sec. 129.

DEPARTMENT OF TRANSPORTATION

(a) For the fiscal year ending June 30, 2019, the director of the budget, in consultation with the director of legislative research, shall certify, at the end of such fiscal year, the amount of actual tax receipt revenues to the state general fund that is in excess of, or is less than, the amount of estimated tax receipt revenues to the state general fund pursuant to the most recent joint estimate of revenue under K.S.A. 75-6701, and amendments thereto, for such fiscal year, and shall transmit such certification to the director of accounts and reports: *Provided*, That upon receipt of such certification, or as soon thereafter as moneys are available, during such fiscal year, the director of accounts and reports shall transfer such certified excess amount, not to exceed \$50,000,000 in such fiscal year, from the state general fund to the state highway fund (276-00-4100-4100) of the department of transportation for payment, in full or in part, of transfers from the state highway fund to the state general fund in prior fiscal years: *Provided further*; That from such moneys transferred pursuant to this section, participating cities or counties shall provide local moneys to match the expenditures of state moneys on a \$1 of local moneys to \$3 of state moneys basis: *Provided, however*; That, if the amount of actual tax receipt revenues to the state general fund is less than the amount of estimated tax receipt revenues to the state general fund, then no transfer shall be made pursuant to this subsection.

Sec. 130.

DEPARTMENT OF TRANSPORTATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

State highway fund (276-00-4100-4100)	No limit
<i>Provided</i> , That no expenditures may be made from the state highway fund other than for the purposes specifically authorized by this or other appropriation act.	
Special city and county	
highway fund (276-00-4220-4220)	No limit
County equalization and	
adjustment fund (276-00-4210-4210).....	\$2,500,000
Highway special	
permits fund (276-00-2576-2576).....	\$0
Highway bond debt	
service fund (276-00-4707-9000).....	No limit
Rail service	
improvement fund (276-00-2008-2100).....	No limit
Transportation	
revolving fund (276-00-7511-1000).....	No limit

Rail service assistance program loan
guarantee fund (276-00-7502-7200).....No limit

Railroad rehabilitation loan
guarantee fund (276-00-7503-7500).....No limit

Provided, That expenditures from the railroad rehabilitation loan guarantee fund shall not exceed the amount that the secretary of transportation is obligated to pay during the fiscal year ending June 30, 2020, in satisfaction of liabilities arising from the unconditional guarantee of payment that was entered into by the secretary of transportation in connection with the mid-states port authority federally taxable revenue refunding bonds, series 1994, dated May 1, 1994, authorized by K.S.A. 12-3420, and amendments thereto, and guaranteed pursuant to K.S.A. 75-5031, and amendments thereto.

Interagency motor vehicle fuel
sales fund (276-00-2298-2400).....No limit

Provided, That expenditures may be made from the interagency motor vehicle fuel sales fund to provide and sell motor vehicle fuel to the Kansas highway patrol: *Provided further*, That the secretary of transportation is hereby authorized to fix, charge and collect fees for motor vehicle fuel sold to the Kansas highway patrol: *And provided further*, That such fees shall be fixed in order to recover all or part of the expenses incurred in providing motor vehicle fuel to the Kansas highway patrol: *And provided further*, That all fees received for such sales of motor vehicle fuel shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the interagency motor vehicle fuel sales fund.

Coordinated public transportation
assistance fund (276-00-2572-0300).....No limit

Public use general aviation airport
development fund (276-00-4140-4140).....No limit

Highway bond
proceeds fund (276-00-4109-4110).....No limit

Communication system
revolving fund (276-00-7524-7700).....No limit

Traffic records
enhancement fund (276-00-2356-2000).....No limit

Other federal grants fund (276-00-3122-3100).....No limit

Kansas intermodal transportation
revolving fund (276-00-7552-7551).....No limit

Conversion of materials and
equipment fund (276-00-2256-2256).....No limit

Seat belt safety fund.....No limit

(b) Expenditures may be made by the above agency for the fiscal year ending June 30, 2020, from the state highway fund (276-00-4100-4100) for the following specified purposes: *Provided*, That expenditures from the state highway fund for fiscal year 2020, other than refunds authorized by law for the following specified purposes, shall not exceed the limitations prescribed therefor as follows:

Agency operations (276-00-4100-0403).....\$265,294,040

Provided, That expenditures from the agency operations account of the state highway

fund for official hospitality by the secretary of transportation shall not exceed \$5,000: *Provided further*, That expenditures may be made from this account for engineering services furnished to counties for road and bridge projects under K.S.A. 68-402e, and amendments thereto.

Conference fees (276-00-4100-2200).....No limit

Provided, That the secretary of transportation is hereby authorized to fix, charge and collect conference, training and workshop attendance and registration fees for conferences, training seminars and workshops sponsored or cosponsored by the department: *Provided further*; That such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the conference fees account of the state highway fund: *And provided further*, That expenditures may be made from this account to defray all or part of the costs of the conferences, training seminars and workshops.

Substantial maintenance (276-00-4100-0700).....No limit

Claims (276-00-4100-1150).....No limit

Payments for city

connecting links (276-00-4100-6200).....\$5,360,000

Federal local aid programs (276-00-4100-3000).....No limit

Bond services fees (276-00-4100-0580).....No limit

Other capital improvements (276-00-4100-8075).....No limit

Provided, That the secretary of transportation is authorized to make expenditures from the other capital improvements account to undertake a program to assist cities and counties with railroad crossings of roads not on the state highway system.

(c) (1) In addition to the other purposes for which expenditures may be made by the above agency from the state highway fund (276-00-4100-4100) for fiscal year 2020, expenditures may be made by the above agency from the following capital improvement account or accounts of the state highway fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Buildings – rehabilitation

and repair (276-00-4100-8005).....\$3,800,000

Buildings – reroofing (276-00-4100-8010).....\$1,359,386

Buildings – other construction, renovation

and repair (276-00-4100-8070).....\$5,553,812

Buildings – purchase land (276-00-4100-8065).....\$45,000

(2) In addition to the other purposes for which expenditures may be made by the above agency from the state highway fund (276-00-4100-4100) for fiscal year 2020, expenditures may be made by the above agency from the state highway fund for fiscal year 2020 from the unencumbered balance as of June 30, 2019, in each capital improvement project account for a building or buildings in the state highway fund for one or more projects approved for prior fiscal years: *Provided*, That all expenditures from the unencumbered balance in any such project account of the state highway fund for fiscal year 2020 shall not exceed the amount of the unencumbered balance in such project account on June 30, 2019, subject to the provisions of subsection (d): *Provided further*; That all expenditures from any such project account shall be in addition to any expenditure limitation imposed on the state highway fund for fiscal year 2020.

(d) During the fiscal year ending June 30, 2020, the secretary of transportation,

with the approval of the director of the budget, may transfer any part of any item of appropriation in a capital improvement project account for a building or buildings for fiscal year 2020 from the state highway fund (276-00-4100-4100) for the department of transportation to another item of appropriation in a capital improvement project account for a building or buildings for fiscal year 2020 from the state highway fund for the department of transportation: *Provided*, That the secretary of transportation shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(e) On April 1, 2020, the director of accounts and reports shall transfer from the motor pool service fund (173-00-6109-4020) of the department of administration to the state highway fund (276-00-4100-4100) of the department of transportation an amount determined to be equal to the sum of the annual vehicle registration fees for each vehicle owned or leased by the state or any state agencies in accordance with K.S.A. 75-4611, and amendments thereto.

(f) During the fiscal year ending June 30, 2020, upon notification from the secretary of transportation that an amount is due and payable from the railroad rehabilitation loan guarantee fund (276-00-7503-7500), the director of accounts and reports shall transfer from the state highway fund (276-00-4100-4100) to the railroad rehabilitation loan guarantee fund the amount certified by the secretary as due and payable.

(g) Any payment for services during the fiscal year ending June 30, 2020, from the state highway fund (276-00-4100-4100) to other state agencies shall be in addition to any expenditure limitation imposed on the state highway fund for fiscal year 2020.

(h) For the fiscal year ending June 30, 2020, the department of transportation shall prepare and submit along with the documents required under K.S.A. 75-3717, and amendments thereto, additional documents that present the revenues, transfers and expenditures that are considered to be in support of the transportation works for Kansas program (T-WORKS) authorized by K.S.A. 68-2314b et seq., and amendments thereto: *Provided*, That documents shall include both reportable as well as nonreportable and off-budget items that reflect the revenues, transfers and expenditures associated with the comprehensive transportation program.

(i) On July 1, 2019, October 1, 2019, January 1, 2020, and April 1, 2020, or as soon thereafter each such date as moneys are available, the director of accounts and reports shall transfer \$57,943,936.00 from the state highway fund (276-00-4100-4100) of the department of transportation to the state general fund: *Provided*, That the transfer of each such amount shall be in addition to any other transfer from the state highway fund of the department of transportation to the state general fund as prescribed by law: *Provided further*; That, in addition to other purposes for which transfers and expenditures may be made from the state highway fund during fiscal year 2020 and notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, transfers may be made from the state highway fund to the state general fund under this subsection during fiscal year 2020.

(j) Notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, for the fiscal year ending June 30, 2020, the secretary of transportation shall apportion and distribute quarterly, on the first day of January, April, July and October, to cities on the state highway system from the state highway fund moneys at the rate of \$5,000 per year per lane per mile for the maintenance of streets

and highways in cities designated by the secretary as city connecting links: *Provided*, That all moneys so distributed shall be used solely for the maintenance of city connecting links: *Provided further*, That such apportionment shall apply only to those city connecting link lanes maintained by the city, and shall not apply to city connecting link lanes maintained by the secretary pursuant to agreement with the city: *And provided further*, That, as used in this subsection, "lane" means the portion of the roadway for use of moving traffic of a standard width prescribed by the secretary.

Sec. 131. In addition to the other purposes for which expenditures may be made by the legislature from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 2020, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2020 for an additional amount of allowance equal to the amount required to provide, along with the amount of allowance otherwise payable from appropriations for the legislature to each member of the legislature at the rate prescribed by K.S.A. 46-137a(c), and amendments thereto, an aggregate amount of allowance: (a) Equal to \$354.15 for the two-week period that coincides with the first biweekly payroll period, which is chargeable to fiscal year 2020 and for each of the 14 ensuing two-week periods thereafter; and (b) equal to \$354.15 for the two-week period that coincides with the biweekly payroll period, which includes March 22, 2020, which is chargeable to fiscal year 2020 and for each of the four ensuing two-week periods thereafter, for each member of the legislature to defray expenses incurred between sessions of the legislature for postage, telephone, office and other incidental expenses, which are chargeable to fiscal year 2020, notwithstanding the provisions of K.S.A. 46-137a, and amendments thereto: *Provided*, That all expenditures under this section for such purposes shall be made otherwise in the same manner that such allowance is payable to such members of the legislature for such two-week periods, for which such allowance is payable in accordance with this section and which are chargeable to fiscal year 2020.

Sec. 132.

STATE FINANCE COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:

State employee pay increase.....\$21,960,192

Provided, That all moneys in the state employee pay increase account shall be used for the purpose of paying the proportionate share of the cost to the state general fund of the salary increase, including associated employer contributions, during fiscal year 2020.

(b) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2020, the following:

State employee pay increase.....\$206,866

Provided, That all moneys in the state employee pay increase account shall be used for the purpose of paying the proportionate share of the cost to the state economic development initiatives fund of the salary increase, including associated employer contributions, during fiscal year 2020.

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2020, the following:

State employee pay increase.....\$37,935

Provided, That all moneys in the state employee pay increase account shall be used for the purpose of paying the proportionate share of the cost to the state water plan fund of the salary increase, including associated employer contributions, during fiscal year 2020.

(d) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2020, the following:

State employee pay increase.....\$1,934

Provided, That all moneys in the state employee pay increase account shall be used for the purpose of paying the proportionate share of the cost to the children's initiatives fund of the salary increase, including associated employer contributions, during fiscal year 2020.

(e) Upon recommendation of the director of the budget, the state finance council, acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, is hereby authorized to approve increases in expenditure limitations on special revenue funds and accounts and increase the transfers between special revenue funds as necessary to pay the salary increases under this section for the fiscal year ending June 30, 2020. The director of accounts and reports is hereby authorized and directed to increase expenditure limitations on such special revenue funds and accounts and increase the transfers between special revenue funds in accordance with such approval for the purpose of paying from such funds or accounts the proportionate share of the cost to such funds or accounts, including associated employer contributions, of the salary increases and other amounts specified for the fiscal year ending June 30, 2020.

(f) (1) A benefits-eligible state employee shall be eligible for a salary increase of a single step for employees in the classified service, including associated employer contributions.

(2) Any state agency named in this act that has employees in the unclassified service shall receive an amount of moneys equivalent to the amount of a salary increase of a single step for employees in the classified service, including associated employer contributions, for employees in the unclassified service, to be used for the purpose of a salary increase for unclassified employees based on merit.

(3) During the fiscal year ending June 30, 2020, the justices of the supreme court, judges of the court of appeals, district court judges and district magistrate judges shall receive a 2.5% salary increase, including associated employer contributions.

(g) The provisions of subsection (f) shall not apply to:

(1) The compensation or bi-weekly allowance paid to each member of the legislature, notwithstanding the provisions of K.S.A. 46-137a and 46-137b, and amendments thereto;

(2) state officers elected on a statewide basis, notwithstanding the provisions of K.S.A. 75-3111a, and amendments thereto, or any other statute;

(3) teachers and licensed personnel and employees at the Kansas state school for the deaf or the Kansas state school for the blind; or

(4) employees authorized to receive a salary increase for fiscal year 2020 in another section of this act.

Sec. 133.

STATE FINANCE COUNCIL

(a) There is appropriated for the above agency from the state general fund for the

fiscal year ending June 30, 2020, the following:

Department of corrections employee compensation.....\$9,068,150

Provided, That all moneys in the department of corrections employee compensation account shall be used for salary increases, including associated employer contributions, for employees of the department of corrections: *Provided further*, That the state finance council, acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, is hereby authorized to approve the salary increases under this section for the fiscal year ending June 30, 2020.

Department of corrections outsourcing male offenders.....\$10,950,000

Provided, That all moneys in the department of corrections outsourcing male offenders account shall be used to pay the costs of outsourcing adult male offenders: *Provided further*, That the state finance council, acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, is hereby authorized to approve the outsourcing under this section for the fiscal year ending June 30, 2020.

Kansas juvenile correctional complex – facilities renovations.....\$3,036,261

Provided, That all moneys in the Kansas juvenile correctional complex – facilities renovations account shall be used to renovate facilities at the Kansas juvenile correctional complex: *Provided further*, That the state finance council, acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, is hereby authorized to approve the renovations under this section for the fiscal year ending June 30, 2020.

Department of corrections hepatitis C treatment.....\$4,500,000

Provided, That all moneys in the department of corrections hepatitis C treatment account shall be used to treat inmates who have been diagnosed with hepatitis C as determined by the department of corrections: *Provided further*, That the state finance council, acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, is hereby authorized to approve the treatments under this section for the fiscal year ending June 30, 2020.

Sec. 134. (a) On June 30, 2020, notwithstanding the provisions of K.S.A. 74-8768, and amendments thereto, or any other statute, the director of accounts and reports shall transfer the amount of any unencumbered balance in the expanded lottery act revenues fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the expanded lottery act revenues fund to the state general fund as prescribed by law.

(b) On June 30, 2020, the director of accounts and reports shall determine and notify the director of the budget if the amount of revenue collected in the expanded lottery act revenues fund for the fiscal year ending June 30, 2020, is insufficient to fund the appropriations and transfers that are authorized from the expanded lottery act revenues fund for the fiscal year ending June 30, 2020, in accordance with the provisions of appropriation acts. The director of the budget shall certify to the director of accounts and reports the amount necessary to be transferred from the state general fund to the expanded lottery act revenues fund in order to fund all such appropriations and transfers that are authorized from the expanded lottery act revenues fund for the

fiscal year ending June 30, 2020. Upon receipt of such certification, the director of accounts and reports shall transfer the amount of moneys from the state general fund to the expanded lottery act revenues fund that is required in accordance with the certification by the director of the budget under this section. At the same time as the director of the budget transmits this certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Sec. 135. On July 1, 2019, notwithstanding the provisions of any statute, no state agency shall expend any moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 as authorized by this or other appropriation act of the 2019 regular session of the legislature to demolish the Docking state office building or to reconstruct, relocate, or renovate the power plant or energy center without prior specific authorization by an act of the legislature or an appropriation act of the legislature: *Provided*, That no expenditures may be made from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 as authorized by this or other appropriation act of the 2019 regular session of the legislature by any state agency to sell, lease, transfer or otherwise convey the land on which building no. 3 (Docking state office building) is situated without prior specific authorization in an act of the legislature or an appropriation act of the legislature.

Sec. 136.

STATE FINANCE COUNCIL

(a) On the effective date of this act, of the \$14,900,000 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 114(b) of chapter 109 of the 2018 Session Laws of Kansas from the state general fund in the state employee pay increase account, the sum of \$1,143,246 is hereby lapsed.

Sec. 137. (a) The state board of regents is hereby authorized and empowered, for and on behalf of Kansas state university, to sell and convey all of the rights, title and interest subject to all easements and appurtenances the following described real estate:

(1) Located in Cherokee county, Kansas: The South Half (N/2) of the Northeast Quarter (NE/4) of the Southwest Quarter (SW/4) of Section Six (6), Township Thirty-five (35) South, Range Twenty-two (22) East, Cherokee County, Kansas; and That part of the Northwest Quarter (NW/4) of the Southwest Quarter (SW/4) of said Section Six (6), Township Thirty-five (35) South, Range Twenty-two (22) East, Cherokee County, Kansas, described as follows, to wit: Beginning at the Northwest corner of said Northwest Quarter (NW/4) of the Southwest Quarter (SW/4), thence running East along the North line of said Quarter to a point 945 feet East, of said Northwest corner, thence proceeding Southwesterly in a circular arc with said 945 foot line forming a radius, to a point on the West line of said Quarter located 945 feet South of the Northwest corner of said Northwest Quarter (NW/4) of the Southwest Quarter (SW/4), then North 945 feet to point of beginning.

(2) Located in Riley county, Kansas: A Tract of land being part of the Southeast Quarter of Section 1, Township 10 South, Range 7 East, and part of Government Lot 19 in Section 6, Township 10 South, Range 8 East of the Sixth Principle Meridian, in the City of Manhattan, Riley County, Kansas. BEGINNING at the Southwest corner of Lot 2, KSU FOUNDATION ADDITION, UNIT 2, monumented by a found ½-inch reinforcing rod; Thence South 89°12'16" West, 250.00 feet, on the North Right-of-Way

line of Kimball Avenue, as established in Book 277, Page 365; Thence departing said Right-of-Way line, North 02°20'41" West, 108.03 feet, parallel with and 250.00 feet West of the West line of said Lot 2; Thence North 47°31'54" West, 260.47 feet, on a line parallel with and 20.00 feet Northeast of an existing building located at 1980 Kimball Avenue and designated as IGP Institute; Thence North 02°20'41" West, 28.75 feet, parallel with and 434.69 feet West of the West line of said Lot 2; Thence North 42°24'43" East, 497.38 feet, on a line parallel with and 30.00 feet Southeast of an existing building located at 1980 Kimball Avenue, designated as Grain Science Center; Thence North 89°12'16" East, 84.52 feet, to a point on the West line of said KSU FOUNDATION ADDITION, UNIT 2, said point lying South 02°20'41" East, 125.00 feet Northwest Corner of Lot 3, said KSU FOUNDATION ADDITION, UNIT 2; Thence South 02°20'41" East, 678.03 feet, on said West line, to POINT OF BEGINNING, said Tract containing 194,769 square feet or 4.4713 acres.

(b) Conveyance of the rights, title and interest in such real estate shall be executed in the name of the state board of regents by its chairperson and executive officer. Such conveyances may be made by warranty deed or by quitclaim deed. All proceeds from the sale and conveyance thereof shall be deposited in the restricted use account of Kansas state university.

(c) No conveyance of real estate authorized by this section shall be made or accepted by the state board of regents until the deed, title and conveyance has been reviewed and approved by the attorney general. In the event that the state board of regents determines that the legal description of the real estate described in this section is incorrect, the state board of regents may convey the property utilizing the correct legal description but the deed conveying the property shall be subject to the approval of the attorney general. The conveyances authorized by this section shall not be subject to the provisions of K.S.A. 2018 Supp. 75-6609, and amendments thereto.

Sec. 138. (a) The state board of regents is hereby authorized and empowered, for and on behalf of the university of Kansas, to sell and convey all of the rights, title and interest subject to all easements and appurtenances in the following described real estate located in Douglas county, Kansas: Hillcrest Third Addition Lot 23 also 36-12-19 beginning at point on Cl Warren St (now 9th St) produced from city of Lawrence 15 chs 84 lks W of E bndry of NW $\frac{1}{4}$ 36-12-19th S08.5degW 5 chs 5 lks th E 2 chs 38 lks th N 5 chs th W 1 ch 62 lks to point beginning 1a (u09706 & u10483 combined 1992).

(b) Conveyance of such rights, title and interest in such real estate shall be executed in the name of the state board of regents by its chairperson and executive officer. All proceeds from the sale and conveyance thereof shall be deposited in the restricted fees account of the university of Kansas.

(c) No conveyance of real estate authorized by this section shall be made or accepted by the state board of regents until the deeds, titles and conveyances have been reviewed and approved by the attorney general. In the event that the state board of regents determines that the legal description of the real estate described in this section is incorrect, the state board of regents may convey the property utilizing the correct legal description, but the deed conveying the property shall be subject to the approval of the attorney general. The conveyance authorized by this section shall not be subject to the provisions of K.S.A. 2018 Supp. 75-6609, and amendments thereto.

Sec. 139. (a) The state board of regents is hereby authorized and empowered, for and on behalf of Kansas state university, to sell and convey all of the rights, title and

interest subject to all easements and appurtenances in the following described real estate located in Saline county, Kansas: A tract of land lying in the Northwest Quarter (NW/4) of Section Four (4), Township Fifteen (15) South, Range Three (3) West of the Sixth (6th) Principal Meridian in the Schilling Subdivision of Saline County, Kansas, more particularly described as follows: Commencing at the Northeast corner of the Northwest Quarter (NW/4) of Section Four (4), Township Fifteen (15) South, Range Three (3) West; thence South 00°06'18"E, along the East line of said Northwest Quarter (NW/4) a distance of 598.41 feet to the centerline of existing Taxiway No. 11; thence South 89°53'26"W along the centerline of said Taxiway No. 11, a distance of 562.05 feet, thence South 00°06'34"E, a distance of 50.00 feet to the true point of beginning, said point being on the south edge of Taxiway No. 11; thence South 89°53'26"W, along the south edge of Taxiway No. 11, a distance of 600.00 feet; thence South 00°06'34"E, a distance of 600.00 feet; thence North 89°53'26"E, a distance of 600.00 feet; thence North 00°06'34"W, a distance of 500.00 feet to the true point of beginning and containing 6.89 acres more or less.

(b) Conveyance of such rights, title and interest in such real estate shall be executed in the name of the state board of regents by its chairperson and executive officer. All proceeds from the sale and conveyance thereof shall be deposited in the restricted fees account of Kansas state university.

(c) No conveyance of real estate authorized by this section shall be made or accepted by the state board of regents until the deeds, titles and conveyances have been reviewed and approved by the attorney general. In the event that the state board of regents determines that the legal description of the real estate described in this section is incorrect, the state board of regents may convey the property utilizing the correct legal description, but the deed conveying the property shall be subject to the approval of the attorney general. The conveyance authorized by this section shall not be subject to the provisions of K.S.A. 2018 Supp. 75-6609, and amendments thereto.

Sec. 140. (a) The k-state Olathe innovation campus, inc. (KOIC), an instrumentality of Kansas state university, is hereby authorized and empowered, for and on behalf of itself, the state of Kansas and Kansas state university, to convey by quitclaim deed to the city of Olathe all of the rights, title and interest of the state of Kansas, Kansas state university, and the KOIC in the following real estate located in Johnson county, Kansas: A tract of land located in Lot 1; in the Kansas Bioscience Park Addition, 1st Plat, an addition to the City of Olathe, Johnson County, Kansas, located in the East One-Half of Section 10, Township 13 South, Range 23 East of the Sixth Principal Meridian, more particularly described as follows: Beginning at the Northwest Corner of said Lot 1; Thence North 88°09'38" East. 380.24 feet measured and plat along the North line of said Lot 1 to the Northeast corner of said Lot 1; Thence South 1°49'04" East, 309.25 feet measured vs. 309.29 feet plat along the Easterly line of said Lot 1; said Easterly line also being the Westerly Right-of-Way Line of Roundtree Street: Thence on a curve to the left, having a radius of 380.00 feet, an arc length of 130.65 feet measured vs. 130.70 feet plat, a chord bearing of South 11°40'53" East, and a chord length of 130.00 feet, along said Easterly line of said Lot 1; Thence South 21°27'21" East, 42.71 feet measured vs. 42.65 feet plat, along said Easterly line of said Lot 1; Thence on a curve to the right, having a radius of 470.00 feet, an arc length of 199.46 feet measured vs. 199.52 feet plat, a chord bearing of South 9°22'32" East, and a chord length 197.96 feet, along said Easterly line of said Lot 1; Thence South 2°47'27" West,

253.70 feet measured and plat, along said Easterly line of said Lot 1; Thence on a curve to the left, having a radius of 380.00 feet, an arc length of 266.41 feet, a chord bearing of South 17°18'39" East, and a chord length 260.99 feet, along said easterly line of said Lot 1; Thence South 45°11'07" West, 45.77 feet along a line parallel to the Northwesterly line of Lot 2 of the Kansas Bioscience Park Addition, 3rd plat, an addition to the city of Olathe, Johnson County, Kansas; Thence South 88°08'39" West, 457.97 feet along a line perpendicular to the West line of said Lot 1 to a point on the West line of said Lot 1: Thence North 1°51'21" West, 1129.55 feet along the West line of said Lot 1 to a 5/8" iron rebar at the Center Corner of said Section 10: Thence North 1°50'38" West, 79.90 feet measured vs. 80.03 feet plat along the West line of said Lot 1 to the POINT AND PLACE OF BEGINNING; Said tract contains 11.58 acres, more or less. Subject to public roads, easements, reservations, restrictions, covenants and conditions, if any, now of record.

(b) The quitclaim deed shall be executed by the chairperson of the KOIC and attested by the secretary of the KOIC for and on behalf of the state of Kansas, Kansas state university and the KOIC in a form approved by the attorney general.

(c) In the event that the chairperson of the KOIC determines that the legal description of any parcel of real estate described by this section is incorrect, the chairperson of the KOIC may convey the property utilizing the correct legal description, but the deed conveying the property shall be subject to the approval of the attorney general.

Sec. 141.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, for the capital improvement project or projects specified, the following:

Rehabilitation and repair for	
state facilities (173-00-1000-8500).....	\$2,197,202
<i>Provided</i> , That any unencumbered balance in the rehabilitation and repair for state facilities account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.	
National bio and agro-defense facility –	
debt service (173-00-1000-0460).....	\$23,437,316
Restructuring debt service (173-00-1000-0450).....	\$3,424,074
John Redmond reservoir	
debt service (173-00-1000-0461).....	\$1,675,000
University of Kansas medical education building	
debt service (173-00-1000-0462).....	\$1,865,250
Debt service	
refunding – 2015A (173-00-1000-0463).....	\$24,834,050
Debt service refunding – 2016H (173-00-1000-0464).....	\$5,749,625
Statehouse snack bar.....	\$140,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Veterans memorial fund (173-00-7253-7250).....	No limit
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State facilities gift fund (173-00-7263-7290).....No limit
 Master lease program fund (173-00-8732).....No limit
 State buildings

 depreciation fund (173-00-6149-4500).....No limit
 Executive mansion gifts fund (173-00-7257-7270).....No limit

Topeka state hospital cemetery memorial
 gift fund (173-00-7337-7240).....No limit

Capitol area plaza authority
 planning fund (173-00-7121-7035).....No limit

Provided, That the secretary of administration may accept gifts, donations and grants of money, including payments from local units of city and county government, for the development of a new master plan for the capitol plaza and the state zoning area described in K.S.A. 75-3619, and amendments thereto: *Provided further*, That all such gifts, donations and grants shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, to the credit of the capitol area plaza authority planning fund.

Statehouse debt service – state
 highway fund (173-00-2861-2861).....No limit

Provided, That on September 1, 2019, and February 1, 2020, or as soon thereafter each such date as moneys are available, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$8,187,969 from the state highway fund of the department of transportation to the statehouse debt service – state highway fund of the department of administration.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the building and ground fund for fiscal year 2020, expenditures may be made by the above agency from the following capital improvement account or accounts of the building and ground fund (173-00-2028) for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Parking improvements
 and repair (173-00-2028-2085).....No limit

(d) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings depreciation fund (173-00-6149) for fiscal year 2020, expenditures may be made by the above agency from the following capital improvement account or accounts of the state buildings depreciation fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

State of Kansas facilities projects –
 debt service (173-00-6149-4520).....No limit

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the state buildings depreciation fund for fiscal year 2020.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings operating fund (173-00-6148) for fiscal year 2020, expenditures may be made by the above agency from the following capital improvement account or accounts of the state buildings operating fund for fiscal year

2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Memorial hall – debt service (173-00-6148-4130).....No limit

Eisenhower building purchase and renovation –

debt service (173-00-6148-4610).....No limit

(f) In addition to the other purposes for which expenditures may be made by the above agency from the building and ground fund (173-00-2028), the state buildings depreciation fund (173-00-6149), and the state buildings operating fund (173-00-6148) for fiscal year 2020, expenditures may be made by the above agency from each such special revenue fund for fiscal year 2020 from the unencumbered balance as of June 30, 2019, in each existing capital improvement account of each such special revenue fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2019: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on each such special revenue fund for fiscal year 2020 and shall be in addition to any other expenditure limitation imposed on any such account of each such special revenue fund for fiscal year 2020.

(g) On July 1, 2019, the director of accounts and reports shall transfer all moneys from the judicial center rehabilitation and repair account (173-00-1000-8540) of the state general fund to the rehabilitation and repair for state facilities account (173-00-1000-8500) of the state general fund. On July 1, 2019, all liabilities of the judicial center rehabilitation and repair account of the state general fund are hereby transferred to and imposed on the rehabilitation and repair for state facilities account of the state general fund, and the judicial center rehabilitation and repair account of the state general fund is hereby abolished.

(h) On July 1, 2019, the director of accounts and reports shall transfer all moneys from the capital complex repair and rehabilitation account (173-00-1000-8170) of the state general fund to the rehabilitation and repair for state facilities account (173-00-1000-8500) of the state general fund. On July 1, 2019, all liabilities of the capital complex repair and rehabilitation account of the state general fund are hereby transferred to and imposed on the rehabilitation and repair for state facilities account of the state general fund, and the capital complex repair and rehabilitation account of the state general fund is hereby abolished.

(i) In addition to the other purposes for which expenditures may be made by the department of administration from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 as authorized by this act or other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 to develop the following plans, options, information and cost estimates, as applicable, concerning the Docking state office building: (1) Preserve and upgrade, as needed, the existing energy center of the Docking state office building; (2) selective deconstruction of the existing building above grade; (3) selective deconstruction of the existing building to four stories and retain and develop uses for four stories; (4) redevelopment of a renovated Docking state office building, including adding additional stories; (5) demolish the Docking state office building and build a new facility including, but not limited to, the

following: Multi-story options that meet the needs of the Kansas highway patrol and the capitol police at the end of their existing office leases, or other agencies; reserved off-street parking; first floor classrooms and meeting rooms; and retain on-site art elements of the building; (6) retain on-site recognition of former Governor Robert Docking; (7) explore the possibility of public/private partnerships to use space for residential units and related retail; and (8) explore the possibility of office space for the city of Topeka or Shawnee county agencies: *Provided*, That all plans, options and cost estimates shall review energy efficiency and parking needs as a part of such information: *Provided further*, That the above agency shall consult with the Kansas preservation alliance and any Topeka or Shawnee county economic development agencies on uses for the building: *And provided further*, That when reviewing deconstruction, explore possibilities to recycle or salvage materials: *And provided further*, That the above agency shall prepare and submit a report detailing the various plans and options for such building and the updated plans to the joint committee on state building construction, the senate ways and means committee and the house of representatives appropriations committee on or before January 13, 2020.

Sec. 142.

DEPARTMENT OF COMMERCE

(a) In addition to the other purposes for which expenditures may be made by the above agency from the reimbursement and recovery fund (300-00-2275) for fiscal year 2020, expenditures may be made by the above agency from the following capital improvement account or accounts of the reimbursement and recovery fund during the fiscal year 2020, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Debt service – 1430

Topeka facilities (300-00-2275-2297).....	\$135,650
Rehabilitation and repair (300-00-2275-2410).....	No limit

(b) In addition to the other purposes for which expenditures may be made by the above agency from the Wagner Peyser employment services – federal fund (300-00-3275) for fiscal year 2020, expenditures may be made by the above agency from the following capital improvement account or accounts of the Wagner Peyser employment services – federal fund during the fiscal year 2020, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair (300-00-3275-3272).....	No limit
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Sec. 143.

INSURANCE DEPARTMENT

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Insurance department rehabilitation and

repair fund (331-00-2887-2800).....	No limit
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Sec. 144.

KANSAS DEPARTMENT FOR AGING AND DISABILITY SERVICES

(a) There is appropriated for the above agency from the state institutions building

fund for the fiscal year ending June 30, 2020, for the capital improvement project or projects specified, the following:

Rehabilitation and

repair projects (039-00-8100-8240).....\$3,201,141

Provided, That the secretary for aging and disability services is hereby authorized to transfer moneys during fiscal year 2020 from the rehabilitation and repair projects account to a rehabilitation and repair account for any institution, as defined by K.S.A. 76-12a01, and amendments thereto, for projects approved by the secretary for aging and disability services: *Provided further*; That expenditures also may be made from this account during fiscal year 2020 for the purposes of rehabilitation and repair for facilities of the Kansas department for aging and disability services other than any institution, as defined by K.S.A. 76-12a01, and amendments thereto.

Debt service – new state

security hospital (039-00-8100-8320).....\$3,846,300

Debt service – state hospitals rehabilitation

and repair (039-00-8100-8325).....\$2,585,450

SIBF remodeling.....\$1,285,000

Larned state hospital – city of Larned

wastewater treatment (410-00-8100-8300).....\$129,620

Provided, That notwithstanding the provisions of K.S.A. 76-6b05, and amendments thereto, expenditures may be made by the above agency from the Larned state hospital – city of Larned wastewater treatment account of the state institutions building fund for payment of Larned state hospital's portion of the city of Larned's wastewater treatment system.

Parsons state hospital and training center –

energy conservation improvement

debt service (507-00-8100-8330).....\$93,895

Sec. 145.

DEPARTMENT OF LABOR

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Employment security administration property

sale fund (296-00-3336-3110).....No limit

Provided, That the secretary of labor is hereby authorized to make expenditures from the employment security administration property sale fund during fiscal year 2020 for the unemployment insurance program: *Provided, however*; That no expenditures shall be made from this fund for the proposed purchase or other acquisition of additional real estate to provide space for the unemployment insurance program of the department of labor until such proposed purchase or other acquisition, including the preliminary plans and program statement for any capital improvement project that is proposed to be initiated and completed by or for the department of labor have been reviewed by the joint committee on state building construction.

(b) In addition to the other purposes for which expenditures may be made by the department of labor from moneys appropriated from any special revenue fund or funds for fiscal year 2020 as authorized by this or other appropriation act of the 2019 regular

session of the legislature, expenditures may be made by the department of labor for fiscal year 2020 from the moneys appropriated from any special revenue fund for the expenses of the sale, exchange or other disposition conveying title for any portion or all of the real estate of the department of labor: *Provided*, That such expenditures may be made and such sale, exchange or other disposition conveying title for any portion or all of the real estate of the department of labor may be executed or otherwise effectuated only upon specific authorization by the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, and acting after receiving the recommendations of the joint committee on state building construction: *Provided, however*, That no such sale, exchange or other disposition conveying title for any portion of the real estate of the department of labor shall be executed until the proposed sale, exchange or other disposition conveying title for such real estate has been reviewed by the joint committee on state building construction: *Provided further*, That the net proceeds from the sale of any of the real estate of the department of labor shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the employment security administration property sale fund of the department of labor: *And provided further*, That expenditures from the employment security administration property sale fund shall not exceed the limitation established for fiscal year 2020 by this or other appropriation act of the 2019 regular session of the legislature except upon approval of the state finance council.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the special employment security fund (296-00-2120) for fiscal year 2020, expenditures may be made by the above agency from the special employment security fund for fiscal year 2020 for the following capital improvement projects: Payment of debt service on revenue bonds issued to finance remodeling of the 401 S. Topeka building: *Provided*, That expenditures from the special employment security fund (296-00-2120-2020) for fiscal year 2020 for such capital improvement purposes shall not exceed \$178,744: *Provided further*, That all expenditures from this fund for any such capital improvement purpose shall be in addition to any expenditure limitations imposed on the special employment security fund for fiscal year 2020.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the workmen's compensation fee fund (296-00-2124) for fiscal year 2020, expenditures may be made by the above agency from the workmen's compensation fee fund for fiscal year 2020 for the following capital improvement projects: (1) Payment of debt service on revenue bonds issued to finance remodeling of the 401 S. Topeka building: *Provided*, That expenditures from the workmen's compensation fee fund (296-00-2124-2227) for fiscal year 2020 for such capital improvement purposes shall not exceed \$96,246; and (2) payment of rehabilitation and repair projects: *Provided*, That expenditures from the workmen's compensation fee fund (296-00-2124-2228) for fiscal year 2020 for such capital improvement purposes shall not exceed \$680,000.

Sec. 146.

KANSAS COMMISSION ON
VETERANS AFFAIRS OFFICE

(a) There is appropriated for the above agency from the state general fund for the

fiscal year ending June 30, 2020, for the capital improvement project or projects specified, the following:

Veterans cemetery program rehabilitation and repair projects (694-00-1000-0904).....\$49,965

(b) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2020, for the capital improvement project or projects specified, the following:

Soldiers' home rehabilitation and repair projects (694-00-8100-7100).....\$641,680

Veterans' home rehabilitation and repair projects (694-00-8100-8250).....\$502,061

KVH construct new maintenance building.....\$418,800
Sec. 147.

KANSAS STATE SCHOOL FOR THE BLIND

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2020, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects (604-00-8100-8108).....\$415,000

Security system upgrade project (604-00-8100-8130).....\$304,000

Campus boilers and HVAC upgrades (604-00-8100-8145).....\$409,000

Sec. 148.

KANSAS STATE SCHOOL FOR THE DEAF

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2020, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects (610-00-8100-8108).....\$513,000

Facilities conservation improvement debt service (610-00-8100-8120).....\$45,690

Roth building repairs.....\$903,000

Campus boilers and HVAC upgrades (610-00-8100-8145).....\$435,000

Campus life safety and security (610-00-8100-8130).....\$202,300

Sec. 149.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:
Rehabilitation and repair projects (288-00-1000-8088).....\$290,800

Provided, That any unencumbered balance in the rehabilitation and repair projects account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(b) In addition to the other purposes for which expenditures may be made by the above agency from the private gifts, grants and bequests fund (288-00-7302-7000) for fiscal year 2020, expenditures may be made by the above agency from the following

capital improvement account or accounts of the private gifts, grants and bequests fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair

projects.....No limit

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the private gifts, grants and bequests fund for fiscal year 2020.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the historical preservation grant in aid fund (288-00-3089) for fiscal year 2020, expenditures may be made by the above agency from the following capital improvement account or accounts of the historical preservation grant in aid fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair projects.....No limit

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the historical preservation grant in aid fund for fiscal year 2020.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the law enforcement memorial fund (288-00-7344-7300) for fiscal year 2020, expenditures may be made by the above agency from the following capital improvement account or accounts of the law enforcement memorial fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Law enforcement memorial addition project.....No limit

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the law enforcement memorial fund for fiscal year 2020.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the private gifts, grants and bequests fund, historic properties fee fund, state historical facilities fund, save America's treasures fund, historical society capital improvement fund, law enforcement memorial fund and historical preservation grant in aid fund for fiscal year 2020, expenditures may be made by the above agency from each such special revenue fund for fiscal year 2020 from the unencumbered balance as of June 30, 2019, in each existing capital improvement account of each such special revenue fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2019: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on each such special revenue fund for fiscal year 2020 and shall be in addition to any other expenditure limitation imposed on any such account of each such special revenue fund for fiscal year 2020.

Sec. 150.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall

not exceed the following:

Memorial union project –	
debt service (379-00-5161-5040).....	No limit
Student recreation center project – debt service	
refunding 2017D (379-00-2526-2040).....	No limit
Student housing projects – debt service	
refunding 2017D (379-00-5169-5050).....	No limit
Twin towers housing project – debt service	
refunding 2017D (379-00-5120-5030).....	No limit
Parking maintenance projects (379-00-5186-5060).....	No limit
Rehabilitation and	
repairs projects (379-00-2526-2040).....	No limit
Deferred maintenance projects (379-00-2485-2485).....	No limit

(b) During the fiscal year ending June 30, 2020, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2019 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2018.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the housing system repairs, equipment and improvement fund (379-00-5650-5120) during the fiscal year ending June 30, 2020, expenditures may be made by the above agency from the appropriate account or accounts of the housing system repairs, equipment and improvement fund during fiscal year 2020 for a capital improvement project to plan, construct and remodel Abigail Morse residence hall and the residential life resident project.

Sec. 151.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Lewis field renovation –	
debt service (246-00-5150-5180).....	No limit
Memorial union renovation –	
debt service (246-00-5102-5010).....	No limit
Deferred maintenance projects (246-00-2483-2483).....	No limit
Energy conservation –	
debt service (246-00-2035-2000).....	No limit
Wiest hall replacement –	
debt service (246-00-5103-5020).....	No limit
Forsyth library renovation (246-00-2035-2000).....	No limit
South campus drive project (246-00-2035-2000).....	No limit

Rarick hall renovation (246-00-2035-2000).....No limit
 Rehabilitation and
 repair projects (246-00-5102-5010).....No limit
 Parking maintenance projects (246-00-5185-5050).....No limit

(b) During the fiscal year ending June 30, 2020, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2019 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2018.

(c) In addition to the other purposes for which expenditures may be made by Fort Hays state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 as authorized by this or other appropriation act of the 2019 regular session of the legislature, expenditures may be made by Fort Hays state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020, to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to construct and equip an addition to the memorial union on the campus of Fort Hays state university: *Provided*, That such capital improvement project is hereby approved for Fort Hays state university for the purposes of K.S.A. 74-8905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Fort Hays state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$15,250,000 plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project, credit enhancement costs and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from any appropriate special revenue fund or funds: *And provided further*, That any such bonds and interest thereon shall be an obligation only of the Kansas development finance authority, shall not constitute a debt of the state of Kansas within the meaning of section 6 or 7 of article 11 of the constitution of the state of Kansas and shall not pledge the full faith and credit or the taxing power of the state of Kansas: *And provided further*, That Fort Hays state university shall make provisions for the maintenance of the memorial union addition.

(d) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds during the fiscal year ending June 30, 2020, as authorized by this or other appropriation act of

the 2019 regular session of the legislature, expenditures may be made by the above agency from any special revenue fund or funds during fiscal year 2020 for a capital improvement project to construct an addition to the memorial union.

Sec. 152.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Deferred maintenance

support fund (367-00-2484-2484).....	No limit
Parking maintenance projects (367-00-5181-4638).....	No limit
Capital leases – debt service (367-00-2062-2000).....	No limit
Capital leases – debt service (367-00-2520-2080).....	No limit
Energy conservation projects –	
debt service (367-00-2062-2000).....	No limit
Chiller plant project –	
debt service (367-00-2062-2000).....	No limit
Engineering complex project –	
debt service (367-00-2154-2154).....	No limit
Recreation complex project –	
debt service (367-00-2520-2080).....	No limit
Student union renovation project –	
debt service (367-00-2520-2080).....	No limit
Electrical upgrade project –	
debt service (367-00-2520-2080).....	No limit
Salina student life center project –	
debt service (367-00-5111-5101).....	No limit
Childcare development center project –	
debt service (367-00-5125-5101).....	No limit
Jardine housing project –	
debt service (367-00-5163-4500).....	No limit
Wefald dining and residence hall project –	
debt service (367-00-5163-4500).....	No limit
Student union parking –	
debt service (367-00-5181-4630).....	No limit
Seaton hall project –	
debt service (367-00-2520-2080).....	No limit

(b) During the fiscal year ending June 30, 2020, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2019 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1,

2018.

(c) In addition to the other purposes for which expenditures may be made by Kansas state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 as authorized by this or other appropriation act of the 2019 regular session of the legislature, expenditures may be made by Kansas state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020, to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project for the Derby dining center on the campus of Kansas state university: *Provided*, That such capital improvement project is hereby approved for Kansas state university for the purposes of K.S.A. 74-8905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*; That Kansas state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*; That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$15,000,000 plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project, credit enhancement costs and any required reserves for the payment of principal and interest on the bonds: *And provided further*; That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*; That debt service for any such bonds for such capital improvement project shall be financed by appropriations from any appropriate special revenue fund or funds: *And provided further*; That any such bonds and interest thereon shall be an obligation only of the Kansas development finance authority, shall not constitute a debt of the state of Kansas within the meaning of section 6 or 7 of article 11 of the constitution of the state of Kansas and shall not pledge the full faith and credit or the taxing power of the state of Kansas: *And provided further*; That Kansas state university shall make provisions for the maintenance of the Derby dining center.

(d) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds during the fiscal year ending June 30, 2020, as authorized by this or other appropriation act of the 2019 regular session of the legislature, expenditures may be made by the above agency from any special revenue fund or funds during fiscal year 2020 for a capital improvement project for the Derby dining center.

Sec. 153.

KANSAS STATE UNIVERSITY EXTENSION SYSTEMS
AND AGRICULTURE RESEARCH PROGRAMS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Capital leases – debt service (369-00-2697-1100).....No limit

Sec. 154.

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Overman student center –	
debt service (385-00-2820-2820).....	No limit
Deferred maintenance projects (385-00-2486-2486).....	No limit
Student health center –	
debt service (385-00-2828-2851).....	No limit
Overman student center project (385-00-2820-2820).....	No limit
Rehabilitation and	
repair projects (385-00-2833-2831).....	No limit
Housing maintenance projects (385-00-5645-5160).....	No limit
Parking maintenance projects (385-00-5187-5060).....	No limit
Energy conservation project – debt service.....	No limit
Overman student center –	
debt service (385-00-2820-2820).....	No limit
Horace Mann project – debt service (385-00-2833).....	No limit
Housing projects – debt service (385-00-5165-5050).....	No limit
Housing projects – debt service (385-00-5646-5160).....	No limit
Parking facility – debt service (385-00-5187-5060).....	No limit
Tyler scientific research center –	
debt service (385-00-2903-2903).....	No limit
2014A1 projects – debt service (385-00-5106-5105).....	No limit

(b) During the fiscal year ending June 30, 2020, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2019 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2018.

Sec. 155.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, for the capital improvement project or projects specified as follows:

School of pharmacy	
debt service 2009 (682-00-1000-0400).....	\$2,494,307

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Student health facility maintenance, repair, and	
equipment fee fund (682-00-5640-5120).....	No limit

Parking facilities surplus fund – KDFA G bonds, 1993 (682-00-5802-5170).....	No limit
<i>Provided</i> , That the university of Kansas may transfer moneys during fiscal year 2020 from the parking facilities surplus fund – KDFA G bonds, 1993 to the restricted fees fund.	
Deferred maintenance projects (682-00-2487-2487).....	No limit
Student recreation & fitness center revenue fund (682-00-2864-2860).....	No limit
Engineering facility – debt service (682-00-2153-2153).....	No limit
Student recreation center – debt service 2017A refunding (682-00-2864-2860).....	No limit
Parking facility – debt service 2017A refunding (682-00-5175-5070).....	No limit
McCullum hall parking – debt service (682-00-5175-5070).....	No limit
Energy conservation projects – debt service (682-00-2107-2000).....	No limit
Energy conservation projects – debt service (682-00-2545-2080).....	No limit
Earth, energy and environment center – debt service (682-00-2545-2080).....	No limit
Parking maintenance projects (682-00-5175-5070).....	No limit
Student housing maintenance projects (682-00-5621-5110).....	No limit
Rehabilitation and repair projects (682-00-2107-2000).....	No limit
Kansas law enforcement training center projects (682-00-2133-2020).....	No limit

(c) During the fiscal year ending June 30, 2020, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2019 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2018.

(d) In addition to the other purposes for which expenditures may be made by the university of Kansas from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 as authorized by this or other appropriation act of the 2019 regular session of the legislature, expenditures may be made by the university of Kansas from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020, to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to renovate

Oliver hall on the campus of the university of Kansas: *Provided*, That such capital improvement project is hereby approved for the university of Kansas for the purposes of K.S.A. 74-8905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*; That the university of Kansas may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*; That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$28,000,000 plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project, credit enhancement costs and any required reserves for the payment of principal and interest on the bonds: *And provided further*; That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*; That debt service for any such bonds for such capital improvement project shall be financed by appropriations from any appropriate special revenue fund or funds: *And provided further*; That any such bonds and interest thereon shall be an obligation only of the Kansas development finance authority, shall not constitute a debt of the state of Kansas within the meaning of section 6 or 7 of article 11 of the constitution of the state of Kansas and shall not pledge the full faith and credit or the taxing power of the state of Kansas: *And provided further*; That the university of Kansas shall make provisions for the maintenance of the renovation of Oliver hall project.

(e) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds during the fiscal year ending June 30, 2020, as authorized by this or other appropriation act of the 2019 regular session of the legislature, expenditures may be made by the above agency from any special revenue fund or funds during fiscal year 2020 for a capital improvement project to renovate Oliver hall.

Sec. 156.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Deferred maintenance	
support fund (683-00-2488-2488).....	No limit
Health education building –	
debt service (683-00-2108-2500).....	No limit
Parking maintenance projects (683-00-5176-5550).....	No limit
Rehabilitation and repair projects (683-00-2551).....	No limit
Energy conservation –	
debt service (683-00-2108-2500).....	No limit
Hemenway project –	
debt service (683-00-2907-2800).....	No limit
Parking garage projects –	
debt service (683-00-5176-5550).....	No limit

(b) During the fiscal year ending June 30, 2020, the above agency may make

expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2019 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2018.

Sec. 157.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

- Deferred maintenance projects (715-00-2489-2489).....No limit
- Energy conservation –
 - debt service (715-00-2112-2000).....No limit
- Rhatigan student center –
 - debt service (715-00-2558-2030).....No limit
- Science engineering research lab –
 - debt service (715-00-2558-2030).....No limit
- Shocker residence hall –
 - debt service (715-00-5100-5250).....No limit
- Parking garage – debt service (715-00-5148-5000).....No limit
- Fairmont towers – debt service (715-00-5620-5670).....No limit
- Innovation campus – school
 - of business (715-00-2558-2030).....No limit
- Raze Fairmont towers project (715-00-2558-2030).....No limit

(b) During the fiscal year ending June 30, 2020, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2019 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2018.

Sec. 158.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Kansas educational building fund.....No limit

Provided, That the state board of regents is hereby authorized to transfer moneys

from the Kansas educational building fund to an account or accounts of the Kansas educational building fund of any institution under the control and supervision of the state board of regents to be expended by the institution for projects, including planning and new construction, approved by the state board of regents: *Provided, however,* That no expenditures shall be made from any such account until the proposed projects have been reviewed by the joint committee on state building construction: *Provided further,* That the state board of regents shall certify to the director of accounts and reports each such transfer of moneys from the Kansas educational building fund: *And provided further,* That the state board of regents shall transmit a copy of each such certification to the director of the budget and to the director of legislative research: *And provided, however,* That the state board of regents shall allocate the amount of money of each such transfer to be expended by the institution using the adjusted gross square footage calculation of mission critical buildings for fiscal year 2020.

Sec. 159.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, for the capital improvement project or projects specified, the following:

Debt service payment for the infrastructure projects bond issue (521-00-1000-0310).....\$517,388

(b) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 2020, for the capital improvement project or projects specified, the following:

Debt service payment for the infrastructure projects bond issues (521-00-8600-8170).....\$500,000

Capital improvements – rehabilitation and repair of correctional institutions (521-00-8600-8240).....\$4,000,000

Provided, That the secretary of corrections is hereby authorized to transfer moneys during fiscal year 2020 from the capital improvements – rehabilitation and repair of correctional institutions account of the correctional institutions building fund to an account or accounts of the correctional institutions building fund of any institution or facility under the jurisdiction of the secretary of corrections to be expended during fiscal year 2020 by the institution or facility for capital improvement projects and for security improvement projects including acquisition of security equipment.

(c) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2020, for the capital improvement project or projects specified, the following:

Capital improvements – rehabilitation and repair of juvenile correctional facilities (521-00-8100-8000).....\$500,000

Provided, That the secretary of the department of corrections is hereby authorized to transfer moneys during fiscal year 2020 from the capital improvements – rehabilitation and repair of juvenile correctional facilities account of the state institutions building fund to any account or accounts of the state institutions building fund of any juvenile correctional facility or institution under the general supervision and management of the secretary of the department of corrections to be expended during fiscal year 2020 for capital improvement projects approved by the secretary: *Provided further,* That the

secretary of the department of corrections shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

Debt service – Topeka

complex and Larned juvenile
correctional facility (521-00-8100-8119).....\$3,948,000

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Correctional facility

infrastructure project (521-00-2834).....No limit
Sec. 160.

ATTORNEY GENERAL –

KANSAS BUREAU OF INVESTIGATION

(a) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, for the capital improvement project or projects specified, the following:

Rehabilitation and

repair projects (083-00-1000-0100).....\$100,000

Provided, That any unencumbered balance in the rehabilitation and repair projects account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

KBI lab – debt service (083-00-1000-0820).....\$4,320,800
Sec. 161.

KANSAS HIGHWAY PATROL

(a) In addition to the other purposes for which expenditures may be made from the highway patrol training center fund for fiscal year 2020, expenditures may be made by the above agency from the highway patrol training center fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair – training

center – Salina (280-00-2306-2004).....No limit

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the highway patrol training center fund for fiscal year 2020.

(b) In addition to the other purposes for which expenditures may be made from the vehicle identification number fee fund for fiscal year 2020, expenditures may be made by the above agency from the vehicle identification number fee fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Training academy rehabilitation

and repair (280-00-2213-2401)..... No limit

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the vehicle identification number fee fund for fiscal year 2020.

(c) In addition to the other purposes for which expenditures may be made from the

Kansas highway patrol operations fund for fiscal year 2020, expenditures may be made by the above agency from the Kansas highway patrol operations fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Scale replacement and rehabilitation and repair of buildings (280-00-2034-1115).....\$455,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the Kansas highway patrol operations fund for fiscal year 2020.

(d) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$455,000 from the state highway fund of the department of transportation to the Kansas highway patrol operations fund (280-00-2034-1115). In addition to the other purposes for which expenditures may be made from the state highway fund during fiscal year 2020 and notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, transfers and expenditures may be made from the state highway fund during fiscal year 2020 for support and maintenance of the Kansas highway patrol.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the KHP federal forfeiture – federal fund for fiscal year 2020, expenditures may be made by the above agency from the following account or accounts of the KHP federal forfeiture – federal fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Training academy rehabilitation and repair (280-00-3545-3548).....No limit

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the KHP federal forfeiture – federal fund for fiscal year 2020.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the KHP federal forfeiture – federal fund for fiscal year 2020, expenditures may be made by the above agency from the following account or accounts of the KHP federal forfeiture – federal fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Troop F storage building (280-00-3545-3545).....No limit

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the KHP federal forfeiture – federal fund for fiscal year 2020.

Sec. 162.

ADJUTANT GENERAL

(a) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, for the capital improvement project or projects specified, the following:

Debt service – training center (034-00-1000-8020).....\$475,463

Debt service – rehabilitation and repair of the statewide armories (034-00-1000-8010).....\$438,165

Rehabilitation and repair projects (034-00-1000-8000).....\$163,927

Provided, That any unencumbered balance in the rehabilitation and repair projects account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Sec. 163.

STATE FAIR BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State fair capital improvements fund (373-00-2533-2500).....No limit
State fair fee fund (373-00-5182-5100).....No limit

Provided, That expenditures from the state fair fee fund for official hospitality shall not exceed \$15,782.

(b) On or before the 10th of each month during the fiscal year ending June 30, 2020, the director of accounts and reports shall transfer from the state general fund to the state fair capital improvements fund interest earnings based on: (1) The average daily balance of moneys in the state fair capital improvements fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

(c) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, for the capital improvement project or projects specified, the following:

State fair debt service (373-00-1000-0700).....\$848,750

Sec. 164.

KANSAS DEPARTMENT OF WILDLIFE, PARKS AND TOURISM

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2020, the following:

Debt service – Kansas City district office (710-00-1900-1960).....\$10,603

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Department access road fund (710-00-2178-2760).....No limit

Provided, That, in addition to the other purposes for which expenditures may be made by the above agency from the department access road fund, expenditures may be made from this fund for road improvement projects administered by the department of transportation in state parks and on public lands.

Bridge maintenance fund (710-00-2045-2070).....No limit
Office of the secretary building fund.....No limit

(c) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$3,354,683 from the state highway fund of the department of transportation to the department access road fund of the Kansas

department of wildlife, parks and tourism.

(d) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$200,000 from the state highway fund of the department of transportation to the bridge maintenance fund of the Kansas department of wildlife, parks and tourism.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the state agricultural production fund for fiscal year 2020, expenditures may be made by the above agency from the following capital improvement account or accounts of the state agricultural production fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Agricultural land capital improvement.....No limit

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the state agricultural production fund for fiscal year 2020.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the parks fee fund for fiscal year 2020, expenditures may be made by the above agency from the following capital improvement account or accounts of the parks fee fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Parks rehabilitation and

repair projects (710-00-2122-2066).....\$1,247,840

Debt service – Kansas City district

office (710-00-2122-2058).....\$49,694

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the parks fee fund for fiscal year 2020.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2020, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating fee fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Debt service – Kansas City

district office (710-00-2245-2805).....\$12,690

Coast guard boating projects (710-00-2245-2840).....\$66,255

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the boating fee fund for fiscal year 2020.

(h) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2020, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fee fund during fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Shooting range development (710-00-2300-2301).....\$300,000

Land acquisition (710-00-2300-3040).....\$300,000

Federally mandated

boating access (710-00-2300-4360).....\$408,750

Debt service – Kansas

City office (710-00-2300-2885).....	\$77,607
Rehabilitation and repair (710-00-2300-3262).....	\$2,728,295
State fishing lake projects (710-00-2300-4320).....	\$62,525

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the wildlife fee fund for fiscal year 2020.

(i) In addition to the other purposes for which expenditures may be made by the above agency from the cabin revenue fund for fiscal year 2020, expenditures may be made by the above agency from the following capital improvement account or accounts of the cabin revenue fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Cabin site preparation (710-00-2668-2670).....	\$500,000
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Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the cabin revenue fund for fiscal year 2020.

(j) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife restoration fund for fiscal year 2020, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife restoration fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Wetlands acquisition and development (710-00-3418-3420).....	\$225,000
Rehabilitation and repair (710-00-3418-3422).....	\$4,504,250

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the wildlife restoration fund for fiscal year 2020.

(k) In addition to the other purposes for which expenditures may be made by the above agency from the sport fish restoration program fund for fiscal year 2020, expenditures may be made by the above agency from the following capital improvement account or accounts of the sport fish restoration program fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair (710-00-3490-3491).....	\$2,100,245
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Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the sport fish restoration program fund for fiscal year 2020.

(l) In addition to the other purposes for which expenditures may be made by the above agency from the migratory waterfowl propagation and protection fund for fiscal year 2020, expenditures may be made by the above agency from the following capital improvement account or accounts of the migratory waterfowl propagation and protection fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Wetlands acquisition (710-00-2600-3330).....	\$287,500
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Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the migratory waterfowl

propagation and protection fund for fiscal year 2020.

(m) In addition to the other purposes for which expenditures may be made by the above agency from the outdoor recreation acquisition, development and planning fund for fiscal year 2020, expenditures may be made by the above agency from the following capital improvement account or accounts of the outdoor recreation acquisition, development and planning fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Land and water conservation

development (710-00-3794-3795).....\$1,510,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the outdoor recreation acquisition, development and planning fund for fiscal year 2020.

(n) In addition to the other purposes for which expenditures may be made by the above agency from the recreational trails program fund for fiscal year 2020, expenditures may be made by the above agency from the following capital improvement account or accounts of the recreational trails program fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Recreational trails program (710-00-3238-3238).....\$700,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the recreational trails program fund for fiscal year 2020.

(o) In addition to the other purposes for which expenditures may be made by the above agency from the federally licensed wildlife areas fund for fiscal year 2020, expenditures may be made by the above agency from the following capital improvement account or accounts of the federally licensed wildlife areas fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Agricultural land capital improvements.....\$900,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the federally licensed wildlife areas fund for fiscal year 2020.

(p) In addition to the other purposes for which expenditures may be made by the above agency from the boating safety and financial assistance fund for fiscal year 2020, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating safety and financial assistance fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Coast guard boating projects (710-00-3251-3251).....No limit

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the boating safety and financial assistance fund for fiscal year 2020.

(q) In addition to the other purposes for which expenditures may be made by the above agency from the parks fee fund, boating fee fund, boating safety and financial assistance fund, wildlife fee fund, wildlife conservation fund, cabin revenue fund, wildlife restoration fund, sport fish restoration program fund, migratory waterfowl

propagation and protection fund, nongame wildlife improvement fund, plant and animal disease and pest control fund, land and water conservation fund – local, outdoor recreation acquisition, development and planning fund, recreational trails program fund, federally licensed wildlife areas fund, department of wildlife and parks gifts and donations fund, highway planning/construction fund, state wildlife grants fund, disaster grants – public assistance, nonfederal grants fund, bridge maintenance fund, state agricultural production fund, department access road fund, navigation projects fund, and recreation resource management fund for fiscal year 2020, expenditures may be made by the above agency from each such special revenue fund for fiscal year 2020 from the unencumbered balance as of June 30, 2019, in each existing capital improvement account of each such special revenue fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2019: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on each such special revenue fund for fiscal year 2020 and shall be in addition to any other expenditure limitation imposed on any such account of each such special revenue fund for fiscal year 2020.

Sec. 165. K.S.A. 2018 Supp. 2-223 is hereby amended to read as follows: 2-223.

(a) There is hereby established in the state treasury the state fair capital improvements fund. All expenditures of moneys in the state fair capital improvements fund shall be used for the payment of capital improvements and maintenance for the state fairgrounds and the payment of capital improvement obligations that have been financed. Capital improvement projects for the Kansas state fairgrounds are hereby approved for the purposes of K.S.A. 74-8905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute.

(b) On each June 30, the state fair board shall certify to the director of accounts and reports an amount to be transferred from the state fair fee fund to the state fair capital improvements fund, which amount shall be not less than the amount equal to 5% of the total gross receipts during the current fiscal year from state fair activities and non-fair days activities, except that:

~~(1) For the fiscal year ending June 30, 2018, notwithstanding the other provisions of this section, on March 1, 2018, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer from the state fair fee fund to the state fair capital improvements fund the amount equal to the greater of \$300,000 or the amount equal to 5% of the total gross receipts during fiscal year 2018 from state fair activities and non-fair days activities through March 1, 2018, except that, subject to approval by the director of the budget prior to March 1, 2018, after reviewing the amounts credited to the state fair fee fund and the state fair capital improvements fund, cash flow considerations for the state fair fee fund, and the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, 2018, the state fair board may certify an amount on March 1, 2018, to the director of accounts and reports to be transferred from the state fair fee fund to the state fair capital improvements fund that is equal to the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, 2018, and~~

shall certify to the director of accounts and reports on the date specified by the director of the budget the amount equal to the balance of the aggregate amount that is required to be transferred from the state fair fee fund to the state fair capital improvements fund for fiscal year 2018. Upon receipt of any such certification, the director of accounts and reports shall transfer moneys from the state fair fee fund to the state fair capital improvements fund in accordance with such certification; and

(2)—for the fiscal year ending June 30, ~~2019~~ 2020, notwithstanding the other provisions of this section, on March 1, ~~2019~~ 2020, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer from the state fair fee fund to the state fair capital improvements fund the amount equal to the greater of \$300,000 or the amount equal to 5% of the total gross receipts during fiscal year ~~2019~~ 2020 from state fair activities and non-fair days activities through March 1, ~~2019~~ 2020, except that, subject to approval by the director of the budget prior to March 1, ~~2019~~ 2020, after reviewing the amounts credited to the state fair fee fund and the state fair capital improvements fund, cash flow considerations for the state fair fee fund, and the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, ~~2019~~ 2020, the state fair board may certify an amount on March 1, ~~2019~~ 2020, to the director of accounts and reports to be transferred from the state fair fee fund to the state fair capital improvements fund that is equal to the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, ~~2019~~ 2020, and shall certify to the director of accounts and reports on the date specified by the director of the budget the amount equal to the balance of the aggregate amount that is required to be transferred from the state fair fee fund to the state fair capital improvements fund for fiscal year ~~2019~~ 2020. Upon receipt of any such certification, the director of accounts and reports shall transfer moneys from the state fair fee fund to the state fair capital improvements fund in accordance with such certification.

Sec. 166. K.S.A. 2018 Supp. 12-1775a is hereby amended to read as follows: 12-1775a. (a) Prior to December 31, 1996, the governing body of each city ~~which that~~, pursuant to K.S.A. 12-1771, and amendments thereto, has established a redevelopment district prior to July 1, 1996, shall certify to the director of accounts and reports the amount equal to the amount of revenue realized from ad valorem taxes imposed pursuant to K.S.A. 72-5142, and amendments thereto, within such redevelopment district. Except as provided further, prior to February 1, 1997, and annually on that date thereafter, the governing body of each such city shall certify to the director of accounts and reports an amount equal to the amount by which revenues realized from such ad valorem taxes imposed in such redevelopment district are estimated to be reduced for the ensuing calendar year due to legislative changes in the statewide school finance formula. Prior to March 1 of each year, the director of accounts and reports shall certify to the state treasurer each amount certified by the governing bodies of cities under this section for the ensuing calendar year and shall transfer from the state general fund to the city tax increment financing revenue replacement fund the aggregate of all amounts so certified. Prior to April 15 of each year, the state treasurer shall pay from the city tax increment financing revenue replacement fund to each city certifying an amount to the director of accounts and reports under this section for the ensuing calendar year the amount so certified. During fiscal years ~~2018, 2019 and~~ 2020 and 2021, no moneys

shall be transferred from the state general fund to the city tax increment financing revenue replacement fund pursuant to this subsection.

(b) There is hereby created the tax increment financing revenue replacement fund, which shall be administered by the state treasurer. All expenditures from the tax increment financing revenue replacement fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state treasurer or a person or persons designated by the state treasurer.

Sec. 167. K.S.A. 2018 Supp. 12-5256 is hereby amended to read as follows: 12-5256. (a) All expenditures from the state housing trust fund made for the purposes of K.S.A. 2018 Supp. 12-5253 through 12-5255, and amendments thereto, 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 Kansas housing resources corporation.

(b) (1) On ~~July 1, 2017,~~ July 1, 2018, ~~and July 1, 2019, and July 1, 2020,~~ the director of accounts and reports shall transfer \$2,000,000 from the state economic development initiatives fund to the state housing trust fund established by K.S.A. 74-8959, and amendments thereto.

(2) Notwithstanding the provisions of K.S.A. 74-8959, and amendments thereto, to the contrary, during ~~fiscal year fiscal year 2018,~~ fiscal year 2019, ~~and fiscal year 2020,~~ and fiscal year 2021, moneys in the state housing trust fund shall be used solely for the purpose of loans or grants to cities or counties for infrastructure or housing development in rural areas. During such fiscal years, on or before ~~January 8, 2018,~~ January 14, 2019, and January 13, 2020, January 11, 2021, and January 10, 2022, the president of the Kansas housing resources corporation shall submit a report concerning the activities of the state housing trust fund to the house of representatives committee on appropriations and the senate committee on ways and means.

Sec. 168. K.S.A. 2018 Supp. 55-193 is hereby amended to read as follows: 55-193. On July 15, 1996, and on the 15th day of each calendar quarter thereafter before July 1, ~~2020~~ 2021, the director of accounts and reports shall transfer \$100,000 from the state general fund and \$200,000 from the conservation fee fund established by K.S.A. 55-143, and amendments thereto, to the abandoned oil and gas well fund established by K.S.A. 55-192, and amendments thereto, except that no transfer shall be made pursuant to this section from the state general fund to the abandoned oil and gas well fund during ~~state fiscal year 2018,~~ state fiscal year 2019, ~~or state fiscal year 2020,~~ or state fiscal year 2021.

Sec. 169. K.S.A. 74-50,107 is hereby amended to read as follows: 74-50,107. (a) Commencing July 1, ~~2017~~ 2018, and on the first day of each month thereafter during ~~fiscal year 2018,~~ fiscal year 2019, ~~and fiscal year 2020,~~ and fiscal year 2021, the secretary of revenue shall apply a rate of 2% to that portion of moneys withheld from the wages of individuals and collected under the Kansas withholding and declaration of estimated tax act, K.S.A. 79-3294 et seq., and amendments thereto. The amount so determined shall be credited on a monthly basis as follows: (1) An amount necessary to meet obligations of the debt services for the IMPACT program repayment fund; and (2) an amount to the IMPACT program services fund as needed for program administration; and (3) any remaining amounts to the job creation program fund created pursuant to K.S.A. 74-50,224, and amendments thereto. During ~~fiscal year 2018,~~ fiscal year 2019,

~~and~~ fiscal year 2020, and fiscal year 2021, the aggregate amount that is credited to the job creation program fund pursuant to this subsection shall not exceed \$3,500,000 for each such fiscal year.

(b) Commencing July 1, ~~2020~~ 2021, and on an annual basis thereafter, the secretary of revenue shall estimate the amount equal to the amount of net savings realized from the elimination, modification or limitation of any credit, deduction or program pursuant to the provisions of this act as compared to the expense deduction provided for in K.S.A. 2018 Supp. 79-32,143a, and amendments thereto. Whereupon such amount of savings in accordance with appropriation acts 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 to the credit of the job creation program fund created pursuant to K.S.A. 74-50,224, and amendments thereto. In addition, such other amount or amounts of money may be transferred from the state general fund or any other fund or funds in the state treasury to the job creation program fund in accordance with appropriation acts.

Sec. 170. K.S.A. 74-99b34 is hereby amended to read as follows: 74-99b34. (a) The bioscience development and investment fund is hereby created. The bioscience development and investment fund shall not be a part of the state treasury and the funds in the bioscience development and investment fund shall belong exclusively to the authority.

(b) Distributions from the bioscience development and investment fund shall be for the exclusive benefit of the authority, under the control of the board and used to fulfill the purpose, powers and duties of the authority pursuant to the provisions of K.S.A. 74-99b01 et seq., and amendments thereto.

(c) The secretary of revenue and the authority shall establish the base year taxation for all bioscience companies and state universities. The secretary of revenue, the authority and the board of regents shall establish the number of bioscience employees associated with state universities and report annually and determine the increase from the taxation base annually. The secretary of revenue and the authority may consider any verifiable evidence, including, but not limited to, the NAICS code assigned or recorded by the department of labor for companies with employees in Kansas, when determining which companies should be classified as bioscience companies.

(d) (1) Except as provided in subsection ~~(d)(2), (d)(3) or~~ (h), for a period of 15 years from the effective date of this act, the state treasurer shall pay annually 95% of withholding above the base, as certified by the secretary of revenue, upon Kansas wages paid by bioscience employees to the bioscience development and investment fund. Such payments shall be reconciled annually. On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the bioscience development and investment fund interest earnings based on:

(A) The average daily balance of moneys in the bioscience development and investment fund for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month.

~~(2) (A) For fiscal year 2018, the first \$1,000,000 that the secretary of revenue certifies to the state treasurer of the annual 95% of withholding above the base, upon Kansas wages paid by bioscience employees, shall be transferred by the director of accounts and reports from the state general fund to the following: The center of~~

~~innovation for biomaterials in orthopaedic research – Wichita state university fund.~~

(B) There is hereby established in the state treasury the center of innovation for biomaterials in orthopaedic research – Wichita state university fund, which shall be administered by Wichita state university. All moneys credited to the fund shall be used for research and development. All expenditures from the center of innovation for biomaterials in orthopaedic research – Wichita state university fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the president of Wichita state university or by the person or persons designated by the president of Wichita state university.

~~(3) (A) For fiscal year 2018, the next \$5,000,000 that the secretary of revenue certifies to the state treasurer of the annual 95% of withholding above the base, upon Kansas wages paid by bioscience employees above the first \$1,000,000 certified pursuant to subsection (d)(2)(A), shall be transferred by the director of accounts and reports from the state general fund to the following: The national bio agro-defense facility fund at Kansas state university.~~

(B) There is hereby established in the state treasury the national bio agro-defense facility fund, which shall be administered by Kansas state university in accordance with the strategic plan adopted by the governor's national bio agro-defense facility steering committee. All moneys credited to the fund shall be used in accordance with the governor's national bio agro-defense facility steering committee's plan with the approval of the president of Kansas state university. All expenditures from the national bio agro-defense facility fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the steering committee and the president of Kansas state university or by the person or persons designated by the president of Kansas state university.

(e) The cumulative amounts of funds paid by the state treasurer to the bioscience development and investment fund shall not exceed \$581,800,000.

(f) The division of post audit is hereby authorized to conduct a post audit in accordance with the provisions of the legislative post audit act, K.S.A. 46-1106 et seq., and amendments thereto.

(g) At the direction of the authority, the fund may be held in the custody of and invested by the state treasurer, provided that the bioscience development and investment fund shall at all times be accounted for in a separate report from all other funds of the authority and the state.

~~(h) During the fiscal year ending June 30, 2018, the aggregate amount that is directed to be transferred from the state general fund to the bioscience development and investment fund pursuant to subsection (d)(1) plus interest earnings pursuant to subsection (d)(1) shall not exceed \$6,000,000 for such fiscal year.~~

~~(i) During fiscal years 2019 and 2020 and 2021, no moneys shall be transferred from the state general fund to the bioscience development and investment fund pursuant to subsection (d)(1).~~

Sec. 171. K.S.A. 2018 Supp. 75-2263 is hereby amended to read as follows: 75-2263. (a) Subject to the provisions of subsection (j), the board of trustees is responsible for the management and investment of that portion of state moneys available for investment by the pooled money investment board that is certified by the state treasurer to the board of trustees as being equivalent to the aggregate net amount received for

unclaimed property and shall discharge the board's duties with respect to such moneys solely in the interests of the state general fund and shall invest and reinvest such moneys and acquire, retain, manage, including the exercise of any voting rights and disposal of investments of such moneys within the limitations and according to the powers, duties and purposes as prescribed by this section.

(b) Moneys specified in subsection (a) shall be invested and reinvested to achieve the investment objective, which is preservation of such moneys and accordingly providing that the moneys are as productive as possible, subject to the standards set forth in this section. No such moneys shall be invested or reinvested if the sole or primary investment objective is for economic development or social purposes or objectives.

(c) In investing and reinvesting moneys specified in subsection (a) and in acquiring, retaining, managing and disposing of investments of the moneys, the board of trustees shall exercise the judgment, care, skill, prudence and diligence under the circumstances then prevailing, which persons of prudence, discretion and intelligence acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aims by diversifying the investments of the moneys so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so, and not in regard to speculation but in regard to the permanent disposition of similar moneys, considering the probable income as well as the probable safety of their capital.

(d) In the discharge of such management and investment responsibilities the board of trustees may contract for the services of one or more professional investment advisors or other consultants in the management and investment of such moneys and otherwise in the performance of the duties of the board of trustees under this section.

(e) The board of trustees shall require that each person contracted with under subsection (d) to provide services shall obtain commercial insurance—~~which that~~ provides for errors and omissions coverage for such person in an amount to be specified by the board of trustees. The amount of such coverage specified by the board of trustees shall be at least the greater of \$500,000 or 1% of the funds entrusted to such person up to a maximum of \$10,000,000. The board of trustees shall require a person contracted with under subsection (d) to provide services to give a fidelity bond in a penal sum as may be fixed by law or, if not so fixed, as may be fixed by the board of trustees, with corporate surety authorized to do business in this state. Such persons contracted with the board of trustees pursuant to subsection (d) and any persons contracted with such persons to perform the functions specified in subsection (b) shall be deemed to be fiduciary agents of the board of trustees in the performance of contractual obligations.

(f) (1) Subject to the objective set forth in subsection (b) and the standards set forth in subsection (c), the board of trustees shall formulate and adopt policies and objectives for the investment and reinvestment of such moneys and the acquisition, retention, management and disposition of investments of the moneys. Such policies and objectives shall be in writing and shall include:

- (A) Specific asset allocation standards and objectives;
- (B) establishment of criteria for evaluating the risk versus the potential return on a particular investment; and
- (C) a requirement that all investment advisors, and any managers or others with similar duties and responsibilities as investment advisors, shall immediately report all

instances of default on investments to the board of trustees and provide such board of trustees with recommendations and options, including, but not limited to, curing the default or withdrawal from the investment.

(2) The board of trustees shall review such policies and objectives, make changes considered necessary or desirable and readopt such policies and objectives on an annual basis.

(g) Except as provided in subsection (d) and this subsection, the custody of such moneys shall remain in the custody of the state treasurer, except that the board of trustees may arrange for the custody of such moneys as it considers advisable with one or more member banks or trust companies of the federal reserve system or with one or more banks in the state of Kansas, or both, to be held in safekeeping by the banks or trust companies for the collection of the principal and interest or other income or of the proceeds of sale. All such moneys shall be considered moneys in the state treasury for purposes of K.S.A. 75-6704, and amendments thereto.

(h) All interest or other income of the investments of the moneys invested under this section, after payment of any management fees, shall be deposited in the state treasury to the credit of the state general fund.

(i) Subject to the provisions of subsection (j), the state treasurer shall certify to the board of trustees a portion of state moneys available for investment by the pooled money investment board that is equivalent to the aggregate net amount received for unclaimed property. The state treasurer shall transfer the amount certified to the board of trustees. During fiscal years ~~2018 and~~ 2019, 2020 and 2021, the state treasurer shall not certify or transfer any state moneys available for investment pursuant to this subsection.

(j) (1) During fiscal year 2017, the board of trustees shall liquidate all investments and reinvestments of state moneys certified by the state treasurer to the board of trustees pursuant to subsection (a).

(2) Upon receiving any such amounts from any such liquidation, the state treasurer shall remit the entire amount in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit any earnings from the liquidation to the state general fund and credit the principal that had been invested and reinvested to the pooled money investment portfolio.

(k) As used in this section:

(1) "Board of trustees" means the board of trustees of the Kansas public employees retirement system established by K.S.A. 74-4905, and amendments thereto.

(2) "Fiduciary" means a person who, with respect to the moneys invested under this section, ~~is a person who:~~

(A) Exercises any discretionary authority with respect to administration of the moneys;

(B) exercises any authority to invest or manage such moneys or has any authority or responsibility to do so;

(C) provides investment advice for a fee or other direct or indirect compensation with respect to such moneys or has any authority or responsibility to do so;

(D) provides actuarial, accounting, auditing, consulting, legal or other professional services for a fee or other direct or indirect compensation with respect to such moneys or has any authority or responsibility to do so; or

(E) is a member of the board of trustees or of the staff of the board of trustees.

Sec. 172. K.S.A. 2018 Supp. 75-4209 is hereby amended to read as follows: 75-4209. (a) The director of investments may invest and reinvest state moneys eligible for investment which are not invested in accordance with K.S.A. 75-4237, and amendments thereto, in the following investments:

(1) Direct obligations of, or obligations that are insured as to principal and interest by, the United States of America or any agency thereof and obligations and securities of the United States sponsored enterprises which under federal law may be accepted as security for public funds, on and after the effective date of this act moneys available for investment under this subsection shall not be invested in mortgage-backed securities of such enterprises and of the government national mortgage association, except that any such mortgage-backed securities held prior to the effective date of this act may be held to maturity;

(2) repurchase agreements with a bank or a primary government securities dealer which reports to the market reports division of the federal reserve bank of New York for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof and obligations and securities of United States government sponsored enterprises which under federal law may be accepted as security for public funds;

(3) commercial paper that does not exceed 270 days to maturity and which has received one of the two highest commercial paper credit ratings by a nationally recognized investment rating firm; and

(4) corporate bonds which have received one of the two highest ratings by a nationally recognized investment rating firm.

(b) When moneys are available for deposit or investments, the director of investments may invest in SKILL act projects and bonds pursuant to K.S.A. 74-8920, and amendments thereto, and in state agency bonds and bond projects.

(c) When moneys are available for deposits or investments, the director of investments may invest in preferred stock of Kansas venture capital, inc., under terms and conditions prescribed by K.S.A. 74-8203, and amendments thereto, but such investments shall not in the aggregate exceed a total amount of \$10,000,000.

(d) When moneys are available for deposits or investments, the director of investments may invest in loans pursuant to legislative mandates, except that not more than the greater of 10% or \$140,000,000 of the state moneys shall be invested. The provisions of this subsection shall not apply to the provisions of subsection (m).

(e) Interest on investment accounts in banks is to be paid at maturity, but not less than annually.

(f) Investments made by the director of investments under the provisions of this section shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

(g) Investments under subsection (a) or (b) or under K.S.A. 75-4237, and amendments thereto, shall be for a period not to exceed four years, except that linked deposits authorized under the provisions of K.S.A. 2-3703 through 2-3707, and amendments thereto, shall not exceed a period of 10 years; agricultural production loan deposits authorized under the provisions of K.S.A. 2018 Supp. 75-4268 through 75-

4274, and amendments thereto, shall not exceed a period of eight years and housing loan deposits authorized under K.S.A. 2018 Supp. 75-4276 through 75-4282, and amendments thereto, shall not exceed a period of five years or 20 years, as applicable pursuant to K.S.A. 2018 Supp. 75-4279, and amendments thereto.

(h) Investments in securities under subsection (a)(1) shall be limited to securities which do not have any more interest rate risk than do direct United States government obligations of similar maturities. For purposes of this subsection, "interest rate risk" means market value changes due to changes in current interest rates.

(i) The director of investments shall not invest state moneys eligible for investment under subsection (a), in the municipal investment pool fund, created under K.S.A. 12-1677a, and amendments thereto.

(j) The director of investments shall not invest moneys in the pooled money investment portfolio in derivatives. As used in this subsection, "derivatives" means a financial contract whose value depends on the value of an underlying asset or index of asset values.

(k) Moneys and investments in the pooled money investment portfolio shall be invested and reinvested by the director of investments in accordance with investment policies developed, approved, published and updated on an annual basis by the board. Such investment policies shall include at a minimum guidelines which identify credit standards, eligible instruments, allowable maturity ranges, methods for valuing the portfolio, calculating earnings and yields and limits on portfolio concentration for each type of investment. Any changes in such investment policies shall be approved by the pooled money investment board. Such investment policies may specify the contents of reports, methods of crediting funds and accounts and other operating procedures.

(l) The board shall adopt rules and regulations to establish an overall percentage limitation on the investment of moneys in investments authorized under subsection (a) (3), and within such authorized investment, the board shall establish a percentage limitation on the investment in any single business entity.

(m) (1) During the fiscal year ending June 30, 2017, the director of the budget shall estimate on or before June 27, 2017, the amount of the unencumbered ending balance in the state general fund for fiscal year 2017. If the amount of such unencumbered ending balance in the state general fund is less than \$50,000,000, the director of the budget shall certify the difference between \$50,000,000, and the amount of such unencumbered ending balance to the pooled money investment board. Upon the liquidation of all investments and reinvestments of state moneys pursuant to K.S.A. 2018 Supp. 75-2263(j), and amendments thereto, and upon receipt of such certification by the director of the budget, during the fiscal year ending June 30, 2017, the pooled money investment board shall authorize the director of accounts and reports to transfer an amount equal to the amount certified by the director of the budget pursuant to this subsection from the pooled money investment portfolio to the state general fund. Upon receipt of such authorization, the director of accounts and reports shall make such transfer. The chairperson of the pooled money investment board shall transmit a copy of such authorization to the director of legislative research and the director of the budget.

(2) ~~(A) On or before June 30, 2019, June 30, 2020, June 30, 2021, June 30, 2022, June 30, 2023, and June 30, 2024,~~ the director of accounts and reports shall transfer an amount equal to $\frac{1}{6}$ of the amount transferred pursuant to subsection (m)(1) from the state general fund to the pooled money investment portfolio.

(B) On or before June 30, 2020, and June 30, 2021, the director of accounts and reports shall transfer an amount equal to $\frac{1}{2}$ of the amount transferred pursuant to subsection (m)(1), reduced by the amount transferred pursuant to subsection (m)(2)(A) from the state general fund to the pooled money investment portfolio.

(C) Any transfer made pursuant to this subsection shall be reduced by the amount of moneys credited to any fiscal year payment pursuant to K.S.A. 2018 Supp. 75-6707, and amendments thereto.

(3) During the fiscal year ending June 30, 2018, after any transfer made pursuant to subsection (m)(1), the pooled money investment board shall authorize the director of accounts and reports to transfer the remaining amount of all investments and reinvestments of state moneys liquidated pursuant to K.S.A. 2018 Supp. 75-2263(j), and amendments thereto, from the pooled money investment portfolio to the state general fund. Upon receipt of such authorization, the director of accounts and reports shall make such transfer. The chairperson of the pooled money investment board shall transmit a copy of such authorization to the director of legislative research and the director of the budget.

(4)(A) On or before June 30, 2019, ~~June 30, 2020, June 30, 2021, June 30, 2022, June 30, 2023, and June 30, 2024,~~ the director of accounts and reports shall transfer an amount equal to $\frac{1}{6}$ of the amount transferred pursuant to subsection (m)(3) from the state general fund to the pooled money investment portfolio.

(B) On or before June 30, 2020, and June 30, 2021, the director of accounts and reports shall transfer an amount equal to $\frac{1}{2}$ of the amount transferred pursuant to subsection (m)(3), reduced by the amount transferred pursuant to subsection (m)(4)(A) from the state general fund to the pooled money investment portfolio.

(C) Any transfer made pursuant to this subsection shall be reduced by the amount of moneys credited to any fiscal year payment pursuant to K.S.A. 2018 Supp. 75-6707, and amendments thereto.

Sec. 173. K.S.A. 2018 Supp. 75-6702 is hereby amended to read as follows: 75-6702. (a) The last appropriation bill passed in any regular session of the legislature shall be the omnibus reconciliation spending limit bill. Each bill which is passed during a regular session of the legislature and which appropriates or transfers money from the state general fund for the ensuing fiscal year shall contain a provision that such bill shall take effect and be in force from and after the effective date of the omnibus reconciliation spending limit bill for that regular session of the legislature or from and after such effective date and a subsequent date or an event occurring after such effective date.

(b) Except as provided in subsection (c), the maximum amount of expenditures and demand transfers from the state general fund that may be authorized by act of the legislature during the 2004 regular session of the legislature and each regular session of the legislature thereafter, is hereby fixed so that there will be an ending balance in the state general fund for the ensuing fiscal year that is equal to 7.5% or more of the total amount authorized to be expended or transferred by demand transfer from the state general fund in such fiscal year.

(c) The provisions of subsection (b) are hereby suspended ~~for the fiscal year ending June 30, 2018, and the fiscal year ending June 30, 2019, and the fiscal year ending June 30, 2020,~~ and shall not prescribe a maximum amount of expenditures and demand transfers from the state general fund that may be authorized by act of the legislature

during the ~~2017 or 2018~~ or 2019 regular session of the legislature.

Sec. 174. K.S.A. 2018 Supp. 75-6707 is hereby amended to read as follows: 75-6707. (a) For the fiscal years ending June 30, 2020, June 30, 2021, and June 30, 2022, the director of the budget, in consultation with the director of legislative research, shall certify, at the end of each such fiscal year, the amount of actual tax receipt revenues to the state general fund that is in excess of, or is less than, the amount of estimated tax receipt revenues to the state general fund pursuant to the most recent joint estimate of revenue under K.S.A. 75-6701, and amendments thereto, for such fiscal year, and shall transmit such certification to the director of accounts and reports.

(b) Upon receipt of such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer such certified excess amount from the state general fund as follows:

(1) For the fiscal years ending June 30, 2020, and June 30, 2021:

(A) 50% to the budget stabilization fund established by K.S.A. 2018 Supp. 75-6706, and amendments thereto; and

(B) 50% to the pooled money investment portfolio pursuant to K.S.A. 75-4209(m) (2) and (m)(4), and amendments thereto, to pay in full or in part the amounts to be transferred. Any moneys transferred to the pooled money investment portfolio pursuant to this section shall be credited to the final payment to be made in fiscal year ~~2024~~ 2021, and each next preceding fiscal year thereafter as moneys are available; and

(2) for the fiscal year ending June 30, 2022:

(A) 50% to the budget stabilization fund; and

(B) 50% to the Kansas public employees retirement fund to be applied to the payment, in full or in part, of the unfunded actuarial pension liability as directed by the Kansas public employees retirement system.

(c) If the amount of actual tax receipt revenues to the state general fund is less than the amount of estimated tax receipt revenues to the state general fund, then no transfers shall be made pursuant to this section.

Sec. 175. K.S.A. 2018 Supp. 76-775 is hereby amended to read as follows: 76-775. (a) Subject to the other provisions of this act, on the first day of the first state fiscal year commencing after receiving a certification of receipt of a qualifying gift under K.S.A. 2018 Supp. 76-774, and amendments thereto, the director of accounts and reports shall transfer from the state general fund the amount determined by the director of accounts and reports to be the earnings equivalent award for such qualifying gift for the period of time between the date of certification of the qualifying gift and the first day of the ensuing state fiscal year to either: (1) The endowed professorship account of the faculty of distinction matching fund of the eligible educational institution, in the case of a certification of a qualifying gift to an eligible educational institution that is a state educational institution; or (2) the faculty of distinction program fund of the state board of regents, in the case of a certification of a qualifying gift to an eligible institution that is not a state educational institution. Subject to the other provisions of this act, on each July 1 thereafter, the director of accounts and reports shall make such transfer from the state general fund of the earnings equivalent award for such qualifying gift for the period of the preceding state fiscal year. All transfers made in accordance with the provisions of this subsection shall be considered demand transfers from the state general fund, except that all such transfers during the fiscal years ending ~~June 30, 2018~~, June 30, 2019, ~~and~~ June 30, 2020, and June 30, 2021, shall be considered to be revenue

transfers from the state general fund.

(b) There is hereby established in the state treasury the faculty of distinction program fund, which shall be administered by the state board of regents. All moneys transferred under this section to the faculty of distinction program fund of the state board of regents shall be paid to eligible educational institutions that are not state educational institutions for earnings equivalent awards for qualifying gifts to such eligible educational institutions. The state board of regents shall pay from the faculty of distinction program fund the amount of each such transfer to the eligible educational institution for the earnings equivalent award for which such transfer was made under this section.

(c) The earnings equivalent award for an endowed professorship shall be determined by the director of accounts and reports and shall be the amount of interest earnings that the amount of the qualifying gift certified by the state board of regents would have earned at the average net earnings rate of the pooled money investment board portfolio for the period for which the determination is being made.

(d) The total amount of new qualifying gifts ~~which that~~ may be certified to the director of accounts and reports under this act during any state fiscal year for all eligible educational institutions shall not exceed \$30,000,000. The total amount of new qualifying gifts ~~which that~~ may be certified to the director of accounts and reports under this act during any state fiscal year for any individual eligible educational institution shall not exceed \$10,000,000. No additional qualifying gifts shall be certified by the state board of regents under this act when the total of all transfers from the state general fund for earnings equivalent awards for qualifying gifts pursuant to this section, and amendments thereto, for a fiscal year is equal to or greater than \$8,000,000 in fiscal year 2011 and in each fiscal year thereafter.

Sec. 176. K.S.A. 2018 Supp. 76-7,107 is hereby amended to read as follows: 76-7,107. (a) (1) On July 1, 2008, or as soon thereafter as sufficient moneys are available, \$7,000,000 shall be transferred by the director of accounts and reports from the state general fund to the infrastructure maintenance fund established by K.S.A. 2018 Supp. 76-7,104, and amendments thereto.

(2) No moneys shall be transferred by the director of accounts and reports from the state general fund to the infrastructure maintenance fund established by K.S.A. 2018 Supp. 76-7,104, and amendments thereto, during the fiscal years ending ~~June 30, 2018, June 30, 2019, and June 30, 2020, and June 30, 2021~~, pursuant to this section.

(b) All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund.

(c) All moneys credited to the infrastructure maintenance fund shall be expended or transferred only for the purpose of paying the cost of projects approved by the state board pursuant to the state educational institution long-term infrastructure maintenance program.

Sec. 177. K.S.A. 2018 Supp. 79-2959 is hereby amended to read as follows: 79-2959. (a) There is hereby created the local ad valorem tax reduction fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be apportioned and distributed in the manner provided herein.

(b) On January 15 and on July 15 of each year, the director of accounts and reports shall make transfers in equal amounts ~~which that~~ in the aggregate equal 3.63% of the total retail sales and compensating taxes credited to the state general fund pursuant to

articles 36 and 37 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, during the preceding calendar year from the state general fund to the local ad valorem tax reduction fund, except that: (1) No moneys shall be transferred from the state general fund to the local ad valorem tax reduction fund during state fiscal years ~~2018~~, 2019 ~~and~~, 2020 and 2021; and (2) the amount of the transfer on each such date shall be \$27,000,000 during fiscal year ~~2021~~ 2022 and all fiscal years thereafter. All such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto. All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund, except that all such transfers during fiscal year ~~2021~~ 2022 shall be considered to be revenue transfers from the state general fund.

(c) The state treasurer shall apportion and pay the amounts transferred under subsection (b) to the several county treasurers on January 15 and on July 15 in each year as follows: (1) ~~Sixty-five percent~~ 65% of the amount to be distributed shall be apportioned on the basis of the population figures of the counties certified to the secretary of state pursuant to K.S.A. 11-201, and amendments thereto, on July 1 of the preceding year; and (2) ~~thirty-five percent~~ 35% of such amount shall be apportioned on the basis of the equalized assessed tangible valuations on the tax rolls of the counties on November 1 of the preceding year as certified by the director of property valuation.

Sec. 178. K.S.A. 2018 Supp. 79-2964 is hereby amended to read as follows: 79-2964. There is hereby created the county and city revenue sharing fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be allocated and distributed in the manner provided herein. The director of accounts and reports in each year on July 15 and December 10, shall make transfers in equal amounts ~~which that~~ in the aggregate equal 2.823% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, during the preceding calendar year from the state general fund to the county and city revenue sharing fund, except that no moneys shall be transferred from the state general fund to the county and city revenue sharing fund during state fiscal years ~~2018~~, 2019, ~~and~~ 2020 and 2021. All such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto. All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund.

Sec. 179. K.S.A. 2018 Supp. 79-3425i is hereby amended to read as follows: 79-3425i. On January 15 and July 15 of each year, the director of accounts and reports shall transfer a sum equal to the total taxes collected under the provisions of K.S.A. 79-6a04 and 79-6a10, and amendments thereto, and annual commercial vehicle fees collected pursuant to K.S.A. 2018 Supp. 8-143m, and amendments thereto, and credited to the state general fund during the six months next preceding the date of transfer, from the state general fund to the special city and county highway fund, created by K.S.A. 79-3425, and amendments thereto, except that: (1) Such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto; (2) no moneys shall be transferred from the state general fund to the special city and county highway fund during ~~state fiscal year 2018~~, state fiscal year 2019, ~~or~~ state fiscal year 2020, or state fiscal year 2021; and (3) all transfers under this section shall be considered to be demand transfers from the state general fund.

Sec. 180. K.S.A. 2018 Supp. 79-34,171 is hereby amended to read as follows: 79-

34,171. (a) On January 1, 2009, and quarterly thereafter, the director of accounts and reports shall transfer \$400,000 from the state general fund to the Kansas retail dealer incentive fund, except that no moneys shall be transferred pursuant to this section from the state general fund to the Kansas retail dealer incentive fund during the fiscal years ending ~~June 30, 2018~~; June 30, 2019, ~~or June 30, 2020~~, or June 30, 2021. On and after July 1, 2009, the unobligated balance in the Kansas retail dealer incentive fund shall not exceed \$1.5 million. If the unobligated balance of the fund exceeds \$1.1 million at the time of a quarterly transfer, the transfer shall be limited to the amount necessary for the fund to reach a total of \$1.5 million.

(b) There is hereby created in the state treasury the Kansas retail dealer incentive fund. All moneys in the Kansas retail dealer incentive fund shall be expended by the secretary of the department of revenue for the payment of incentives to Kansas retail dealers who sell and dispense renewable fuels or biodiesel through a motor fuel pump in accordance with the provisions of K.S.A. 2018 Supp. 79-34,170 through 79-34,175, and amendments thereto.

(c) All moneys remaining in the Kansas retail dealer incentive fund upon the expiration of K.S.A. 2018 Supp. 79-34,170 through 79-34,175, and amendments thereto, shall be credited by the state treasurer to the state general fund.

Sec. 181. K.S.A. 2018 Supp. 79-4804 is hereby amended to read as follows: 79-4804. (a) After the transfer of moneys pursuant to K.S.A. 2018 Supp. 79-4806, and amendments thereto, an amount equal to 85% of the balance of all moneys credited to the state gaming revenues fund shall be transferred and credited to the state economic development initiatives fund. Expenditures from the state economic development initiatives fund shall be made in accordance with appropriations acts for the financing of such programs supporting and enhancing the existing economic foundation of the state and fostering growth through the expansion of current, and the establishment and attraction of new, commercial and industrial enterprises as provided by this section and as may be authorized by law and not less than $\frac{1}{2}$ of such money shall be distributed equally among the congressional districts of the state. Except as provided by subsection (g), all moneys credited to the state economic development initiatives fund shall be credited within the fund, as provided by law, to an account or accounts of the fund, which are created by this section.

(b) There is hereby created the Kansas capital formation account in the state economic development initiatives fund. All moneys credited to the Kansas capital formation account shall be used to provide, encourage and implement capital development and formation in Kansas.

(c) There is hereby created the Kansas economic development research and development account in the state economic development initiatives fund. All moneys credited to the Kansas economic development research and development account shall be used to promote, encourage and implement research and development programs and activities in Kansas and technical assistance funded through state educational institutions under the supervision and control of the state board of regents or other Kansas colleges and universities.

(d) There is hereby created the Kansas economic development endowment account in the state economic development initiatives fund. All moneys credited to the Kansas economic development endowment account shall be accumulated and invested as provided in this section to provide an ongoing source of funds, which shall be used for

economic development activities in Kansas, including, but not limited to, continuing appropriations or demand transfers for programs and projects, which shall include, but are not limited to, specific community infrastructure projects in Kansas that stimulate economic growth.

(e) Except as provided in subsection (f), the director of investments may invest and reinvest moneys credited to the state economic development initiatives fund in accordance with investment policies established by the pooled money investment board under K.S.A. 75-4232, and amendments thereto, in the pooled money investment portfolio. All moneys received as interest earned by the investment of the moneys credited to the state economic development initiatives fund shall be deposited in the state treasury and credited to the Kansas economic development endowment account of such fund.

(f) Moneys credited to the Kansas economic development endowment account of the state economic development initiatives fund may be invested in government guaranteed loans and debentures as provided by law in addition to the investments authorized by subsection (e) or in lieu of such investments. All moneys received as interest earned by the investment under this subsection of the moneys credited to the Kansas economic development endowment account shall be deposited in the state treasury and credited to the Kansas economic development endowment account of the state economic development initiatives fund.

(g) Except as provided further, in each fiscal year, the director of accounts and reports shall make transfers in equal amounts on July 15 and January 15 ~~which that~~ in the aggregate equal \$2,000,000 from the state economic development initiatives fund to the state water plan fund created by K.S.A. 82a-951, and amendments thereto. In state fiscal year 2019, fiscal year 2020 and fiscal year 2021, the director of accounts and reports shall make transfers in equal amounts on July 15 and January 15 that in the aggregate equal \$500,000 from the state economic development initiatives fund to the state water plan fund. ~~No moneys shall be transferred from the state economic development initiatives fund to the state water plan fund on such dates during state fiscal year 2018 and state fiscal year 2020.~~ No other moneys credited to the state economic development initiatives fund shall be used for: (1) Water-related projects or programs, or related technical assistance; or (2) any other projects or programs, or related technical assistance, ~~which that~~ meet one or more of the long-range goals, objectives and considerations set forth in the state water resource planning act.

Sec. 182. K.S.A. 2018 Supp. 82a-953a is hereby amended to read as follows: 82a-953a. During each fiscal year, the director of accounts and reports shall transfer \$6,000,000 from the state general fund to the state water plan fund created by K.S.A. 82a-951, and amendments thereto, one-half of such amount to be transferred on July 15 and one-half to be transferred on January 15, ~~except that during the fiscal year ending June 30, 2018, the transfer shall not exceed \$1,400,000. On the effective date of this act, the director of accounts and reports shall transfer \$200,000 from the state general fund to the state water plan fund created by K.S.A. 82a-951, and amendments thereto.~~ During the fiscal year ending June 30, 2019, the transfer shall not exceed \$2,750,000. ~~No moneys shall be transferred from the state general fund to the state water plan fund during the fiscal year ending June 30, 2020~~ During the fiscal year ending June 30, 2020, the transfer shall not exceed \$4,005,632. During the fiscal year ending June 30, 2021, the transfer shall not exceed \$2,750,000.

Sec. 183. K.S.A. 74-50,107 and 74-99b34 and K.S.A. 2018 Supp. 2-223, 12-1775a, 12-5256, 55-193, 75-2263, 75-4209, 75-6702, 75-6707, 76-775, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,171, 79-4804 and 82a-953a are hereby repealed.

Sec. 184. If any fund or account name described by words and the numerical accounting code that follows such fund or account name do not match, it shall be conclusively presumed that the legislature intended that the fund or account name described by words is the correct fund or account name, and such fund or account name described by words shall control over a contradictory or incorrect numerical accounting code.

Sec. 185. *Severability.* If any provision or clause of this act or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 186. *Appeals to exceed expenditure limitations.* (a) Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

(b) This section shall not apply to the expanded lottery act revenues fund, the state economic development initiatives fund, the children's initiative fund, the state water plan fund or the Kansas endowment for youth fund, or to any account of any such funds.

Sec. 187. *Savings.* (a) Any unencumbered balance as of June 30, 2019, in any special revenue fund, or account thereof, of any state agency named in this act that is not otherwise specifically appropriated or limited for fiscal year 2020 by this or any other appropriation act of the 2019 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2020, for the same use and purpose as the same was heretofore appropriated.

(b) This section shall not apply to the expanded lottery act revenues fund, the state economic development initiatives fund, the children's initiatives fund, the state water plan fund, the Kansas endowment for youth fund, the Kansas educational building fund, the state institutions building fund, or the correctional institutions building fund, or to any account of any of such funds.

Sec. 188. During the fiscal year ending June 30, 2020, all moneys that are lawfully credited to and available in any bond special revenue fund and that are not otherwise specifically appropriated or limited by this or other appropriation act of the 2019 regular session of the legislature, are hereby appropriated for the fiscal year ending June 30, 2020, for the state agency for which the bond special revenue fund was established for the purposes authorized by law for expenditures from such bond special revenue fund. As used in this section, "bond special revenue fund" means any special revenue fund or account thereof established in the state treasury prior to or on or after the effective date of this act for the deposit of the proceeds of bonds issued by the Kansas development finance authority, for the payment of debt service for bonds issued by the Kansas development finance authority, or for any related purpose in accordance with applicable bond covenants.

Sec. 189. *Federal grants.* (a) During the fiscal year ending June 30, 2020, each federal grant or other federal receipt that is received by a state agency named in this act and that is not otherwise appropriated to that state agency for fiscal year 2020 by this or

other appropriation act of the 2019 regular session of the legislature, is hereby appropriated for fiscal year 2020, for that state agency for the purpose set forth in such federal grant or receipt, except that no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt that has not been previously appropriated or reappropriated or approved for expenditure by the governor, until the governor has authorized the state agency to make expenditures therefrom.

(b) In addition to the other purposes for which expenditures may be made by any state agency that is named in this act and that is not otherwise authorized by law to apply for and receive federal grants, expenditures may be made by such state agency from moneys appropriated for fiscal year 2020 by this act or any other appropriation act of the 2019 regular session of the legislature to apply for and receive federal grants during fiscal year 2020, which federal grants are hereby authorized to be applied for and received by such state agencies: *Provided*, That no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt that has not been previously appropriated or reappropriated or approved for expenditure by the governor, until the governor has authorized the state agency to make expenditures therefrom.

Sec. 190. (a) Any correctional institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2019 regular session of the legislature, and having an unencumbered balance as of June 30, 2019, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2020, for the same uses and purposes as originally appropriated unless specific provision is made for lapsing such appropriation.

(b) This subsection shall not apply to the unencumbered balance in any account of the correctional institutions building fund that was encumbered for any fiscal year commencing prior to July 1, 2018.

Sec. 191. (a) Any Kansas educational building fund appropriation heretofore appropriated to any institution named in this or other appropriation act of the 2019 regular session of the legislature and having an unencumbered balance as of June 30, 2019, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2020, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

(b) This subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund that was encumbered for any fiscal year commencing prior to July 1, 2018.

Sec. 192. (a) Any state institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2019 regular session of the legislature and having an unencumbered balance as of June 30, 2019, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2020, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

(b) This subsection shall not apply to the unencumbered balance in any account of the state institutions building fund that was encumbered for any fiscal year commencing prior to July 1, 2018.

Sec. 193. Any transfers of money during the fiscal year ending June 30, 2020, from any special revenue fund of any state agency named in this act to the audit services fund

of the division of post audit under K.S.A. 46-1121, and amendments thereto, shall be in addition to any expenditure limitation imposed on any such fund for the fiscal year ending June 30, 2020.";

And by renumbering remaining sections accordingly;

On page 1, in the title, in line 5, following "projects" by inserting ", assessments"; in line 9, following "75-4209," by inserting "75-6702,";

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

TROY WAYMASTER

KYLE HOFFMAN

Conferees on part of House

RICK BILLINGER

JIM DENNING

TOM HAWK

Conferees on part of Senate

Senator McGinn moved the Senate adopt the Conference Committee Report on **H Sub SB 25**.

On roll call, the vote was: Yeas 26; Nays 14; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Denning, Estes, Givens, Goddard, Hardy, Hawk, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Rucker, Skubal, Suellentrop, Taylor, Wagle, Wilborn.

Nays: Bollier, Doll, Faust-Goudeau, Francisco, Haley, Hensley, Hilderbrand, Holland, Miller, Pilcher-Cook, Pyle, Sykes, Tyson, Ware.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Mr. Vice President: I vote no on **House Substitute for Senate Bill 25**. This budget fails to provide funding for Medicaid expansion. 36 states and the District of Columbia debated and chose to expand Medicaid. Kansas has forgone more than \$3 billion that would've come to our state had we expanded Medicaid in 2014. The Kansas Hospital Association estimates for each day of delay on Medicaid expansion, the state loses slightly more than \$2 million. This is money paid by Kansas taxpayers, but has gone to other states that have expanded Medicaid. Medicaid expansion dollars will increase jobs and boost the Kansas economy. 77% of Kansans support expanding Medicaid, which would provide improved access to healthcare to 130,000 Kansans. It is estimated that up to 627 Kansans may die each year waiting for Medicaid expansion. The Kansas House of Representatives responded to their constituents by having a vigorous debate and passing Medicaid expansion. The Senate never even had a debate on it. For this reason, I vote no.—BARBARA BOLLIER

Senators Faust-Goudeau, Francisco, Haley, Hensley, Holland, Miller, Sykes and Ware request the record to show they concur with the "Explanation of Vote" offered by Senator Bollier on **H Sub SB 25**.

Mr. Vice President: Having been a part of the development of this budget, and knowing that it has significant increases in spending for agencies ranging from

corrections to higher education and knowing that it addresses issues in agencies including DCF, KDADs and KDHE I am supportive. I recognize that the issue of Medicaid expansion is still on the horizon, however a letter has been submitted requesting an interim study on Medicaid with the promise of early implementation, which alleviates some of my angst. I also have a concern about corrections budgets, but the 35 million dollars is still in place with gubernatorial oversight in the State Finance Council being the only difference from the original budget. I vote "YES" for **House Substitute SB 25**.—ED BERGER

Senators Bowers, Hardy, Hawk and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Berger on **H Sub SB 25**.

Mr. Vice President: Many Democrats voted against the budget because it did not implement new Medicaid spending program for 19-64 year old's. It was said KS has given up over \$3 billion dollars. I remind the body that Governor Kelly gave us a budget with a \$145 million cut to KPERS in it from re-amortization proposal. That would have added \$7.5 billion in debt which she would have used to expand Medicaid under her bill. The KPERS \$145 million adjustment in her budget also masked her spending and caused great confusion to the budget process. I asked the body to message her and ask her not to do that same maneuver when she submits her FY-21 budget. The budget had \$1 billion in spending for Medicaid to take care of children, the disabled, and the frail and elderly. These are the most vulnerable that the democrats simply ignored tonight by voting against their own Governor's budget.—JIM DENNING

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MADAM PRESIDENT: Your committee on conference on Senate amendments to **HB 2203** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, by striking all in lines 10 through 34;

By striking all on pages 2 through 8;

On page 9, by striking all in lines 1 through 35; following line 35, by inserting:

"Section 1. K.S.A. 2018 Supp. 21-5413 is hereby amended to read as follows: 21-5413. (a) Battery is:

(1) Knowingly or recklessly causing bodily harm to another person; or

(2) knowingly causing physical contact with another person when done in a rude, insulting or angry manner.

(b) Aggravated battery is:

(1) (A) Knowingly causing great bodily harm to another person or disfigurement of another person;

(B) knowingly causing bodily harm to another person with a deadly weapon, or in any manner whereby great bodily harm, disfigurement or death can be inflicted; or

(C) knowingly causing physical contact with another person when done in a rude, insulting or angry manner with a deadly weapon, or in any manner whereby great bodily harm, disfigurement or death can be inflicted;

(2) (A) recklessly causing great bodily harm to another person or disfigurement of another person;

(B) recklessly causing bodily harm to another person with a deadly weapon, or in any manner whereby great bodily harm, disfigurement or death can be inflicted; or

(3) (A) committing an act described in K.S.A. 8-1567, and amendments thereto, when great bodily harm to another person or disfigurement of another person results from such act; or

(B) committing an act described in K.S.A. 8-1567, and amendments thereto, when bodily harm to another person results from such act under circumstances whereby great bodily harm, disfigurement or death can result from such act; or

(4) committing an act described in K.S.A. 8-1567, and amendments thereto, when great bodily harm to another person or disfigurement of another person results from such act while:

(A) In violation of any restriction imposed on such person's driving privileges pursuant to article 10 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto;

(B) such person's driving privileges are suspended or revoked pursuant to article 10 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto; or

(C) such person has been deemed a habitual violator as defined in K.S.A. 8-285, and amendments thereto, including at least one violation of K.S.A. 8-1567, and amendments thereto, or violating an ordinance of any city in this state, any resolution of any county in this state or any law of another state, which ordinance, resolution or law declares to be unlawful the acts prohibited by that statute.

(c) Battery against a law enforcement officer is:

(1) Battery, as defined in subsection (a)(2), committed against a:

(A) Uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty;

(B) uniformed or properly identified state, county or city law enforcement officer, other than a state correctional officer or employee, a city or county correctional officer or employee or a juvenile detention facility officer, or employee, while such officer is engaged in the performance of such officer's duty;

(C) uniformed or properly identified federal law enforcement officer while such officer is engaged in the performance of such officer's duty;

(D) judge, while such judge is engaged in the performance of such judge's duty;

~~(D)~~(E) attorney, while such attorney is engaged in the performance of such attorney's duty; or

~~(E)~~(F) community corrections officer or court services officer, while such officer is engaged in the performance of such officer's duty;

(2) battery, as defined in subsection (a)(1), committed against a:

(A) Uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty; ~~or~~

(B) uniformed or properly identified state, county or city law enforcement officer, other than a state correctional officer or employee, a city or county correctional officer or employee or a juvenile detention facility officer, or employee, while such officer is engaged in the performance of such officer's duty;

(C) uniformed or properly identified federal law enforcement officer while such officer is engaged in the performance of such officer's duty;

(D) judge, while such judge is engaged in the performance of such judge's duty;

~~(D)~~(E) attorney, while such attorney is engaged in the performance of such

attorney's duty; or

~~(E)~~(F) community corrections officer or court services officer, while such officer is engaged in the performance of such officer's duty; or

(3) battery, as defined in subsection (a) committed against a:

(A) State correctional officer or employee by a person in custody of the secretary of corrections, while such officer or employee is engaged in the performance of such officer's or employee's duty;

(B) state correctional officer or employee by a person confined in such juvenile correctional facility, while such officer or employee is engaged in the performance of such officer's or employee's duty;

(C) juvenile detention facility officer or employee by a person confined in such juvenile detention facility, while such officer or employee is engaged in the performance of such officer's or employee's duty; or

(D) city or county correctional officer or employee by a person confined in a city holding facility or county jail facility, while such officer or employee is engaged in the performance of such officer's or employee's duty.

(d) Aggravated battery against a law enforcement officer is:

(1) An aggravated battery, as defined in subsection (b)(1)(A) committed against a:

(A) Uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer's duty;

(B) uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty;

(C) uniformed or properly identified federal law enforcement officer while such officer is engaged in the performance of such officer's duty;

~~(D)~~ judge, while such judge is engaged in the performance of such judge's duty;

~~(D)~~(E) attorney, while such attorney is engaged in the performance of such attorney's duty; or

~~(E)~~(F) community corrections officer or court services officer, while such officer is engaged in the performance of such officer's duty;

(2) an aggravated battery, as defined in subsection (b)(1)(B) or (b)(1)(C), committed against a:

(A) Uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer's duty;

(B) uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty;

(C) uniformed or properly identified federal law enforcement officer while such officer is engaged in the performance of such officer's duty;

~~(D)~~ judge, while such judge is engaged in the performance of such judge's duty;

~~(D)~~(E) attorney, while such attorney is engaged in the performance of such attorney's duty; or

~~(E)~~(F) community corrections officer or court services officer, while such officer is engaged in the performance of such officer's duty; or

(3) knowingly causing, with a motor vehicle, bodily harm to a:

(A) Uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer's duty; ~~or~~

(B) uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty; or

(C) uniformed or properly identified federal law enforcement officer while such officer is engaged in the performance of such officer's duty.

(e) Battery against a school employee is a battery, as defined in subsection (a), committed against a school employee in or on any school property or grounds upon which is located a building or structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12 or at any regularly scheduled school sponsored activity or event, while such employee is engaged in the performance of such employee's duty.

(f) Battery against a mental health employee is a battery, as defined in subsection (a), committed against a mental health employee by a person in the custody of the secretary for aging and disability services, while such employee is engaged in the performance of such employee's duty.

(g) (1) Battery is a class B person misdemeanor.

(2) Aggravated battery as defined in:

(A) Subsection (b)(1)(A) or (b)(4) is a severity level 4, person felony;

(B) subsection (b)(1)(B) or (b)(1)(C) is a severity level 7, person felony;

(C) subsection (b)(2)(A) or (b)(3)(A) is a severity level 5, person felony; and

(D) subsection (b)(2)(B) or (b)(3)(B) is a severity level 8, person felony.

(3) Battery against a law enforcement officer as defined in:

(A) Subsection (c)(1) is a class A person misdemeanor;

(B) subsection (c)(2) is a severity level 7, person felony; and

(C) subsection (c)(3) is a severity level 5, person felony.

(4) Aggravated battery against a law enforcement officer as defined in:

(A) Subsection (d)(1) or (d)(3) is a severity level 3, person felony; and

(B) subsection (d)(2) is a severity level 4, person felony.

(5) Battery against a school employee is a class A person misdemeanor.

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

(h) As used in this section:

(1) "Correctional institution" means any institution or facility under the supervision and control of the secretary of corrections;

(2) "state correctional officer or employee" means any officer or employee of the Kansas department of corrections or any independent contractor, or any employee of such contractor, whose duties include working at a correctional institution;

(3) "juvenile detention facility officer or employee" means any officer or employee of a juvenile detention facility as defined in K.S.A. 2018 Supp. 38-2302, and amendments thereto;

(4) "city or county correctional officer or employee" means any correctional officer or employee of the city or county or any independent contractor, or any employee of such contractor, whose duties include working at a city holding facility or county jail facility;

(5) "school employee" means any employee of a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12;

(6) "mental health employee" means: (A) An employee of the Kansas department for aging and disability services working at Larned state hospital, Osawatomie state hospital, Kansas neurological institute and Parsons state hospital and training center and

the treatment staff as defined in K.S.A. 59-29a02, and amendments thereto; and (B) contractors and employees of contractors under contract to provide services to the Kansas department for aging and disability services working at any such institution or facility;

(7) "judge" means a duly elected or appointed justice of the supreme court, judge of the court of appeals, judge of any district court of Kansas, district magistrate judge or municipal court judge;

(8) "attorney" means a: (A) County attorney, assistant county attorney, special assistant county attorney, district attorney, assistant district attorney, special assistant district attorney, attorney general, assistant attorney general or special assistant attorney general; and (B) public defender, assistant public defender, contract counsel for the state board of indigents' defense services or an attorney who is appointed by the court to perform services for an indigent person as provided by article 45 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto;

(9) "community corrections officer" means an employee of a community correctional services program responsible for supervision of adults or juveniles as assigned by the court to community corrections supervision and any other employee of a community correctional services program that provides enhanced supervision of offenders such as house arrest and surveillance programs; ~~and~~

(10) "court services officer" means an employee of the Kansas judicial branch or local judicial district responsible for supervising, monitoring or writing reports relating to adults or juveniles as assigned by the court, or performing related duties as assigned by the court; and

(11) "federal law enforcement officer" means a law enforcement officer employed by the United States federal government who, as part of such officer's duties, is permitted to make arrests and to be armed.

Sec. 2. K.S.A. 2018 Supp. 38-2212 is hereby amended to read as follows: 38-2212.

(a) *Principle of appropriate access.* Information contained in confidential agency records concerning a child alleged or adjudicated to be in need of care may be disclosed as provided in this section. Disclosure shall in all cases be guided by the principle of providing access only to persons or entities with a need for information that is directly related to achieving the purposes of this code.

(b) *Free exchange of information.* Pursuant to K.S.A. 2018 Supp. 38-2210, and amendments thereto, the secretary and juvenile intake and assessment agencies shall participate in the free exchange of information concerning a child who is alleged or adjudicated to be in need of care.

(c) *Necessary access.* The following persons or entities shall have access to information from agency records. Access shall be limited to information reasonably necessary to carry out their lawful responsibilities, to maintain their personal safety and the personal safety of individuals in their care, or to educate, diagnose, treat, care for or protect a child alleged to be in need of care. Information authorized to be disclosed pursuant to this subsection shall not contain information ~~which that~~ identifies a reporter of a child who is alleged or adjudicated to be a child in need of care.

(1) A child named in the report or records, a guardian ad litem appointed for the child and the child's attorney.

(2) A parent or other person responsible for the welfare of a child, or such person's legal representative.

(3) A court-appointed special advocate for a child, a citizen review board or other advocate ~~which that~~ reports to the court.

(4) A person licensed to practice the healing arts or mental health profession in order to diagnose, care for, treat or supervise: (A) A child whom such service provider reasonably suspects may be in need of care; (B) a member of the child's family; or (C) a person who allegedly abused or neglected the child.

(5) A person or entity licensed or registered by the secretary of health and environment or approved by the secretary for children and families to care for, treat or supervise a child in need of care.

(6) A coroner or medical examiner when such person is determining the cause of death of a child.

(7) The state child death review board established under K.S.A. 22a-243, and amendments thereto.

(8) An attorney for a private party who files a petition pursuant to K.S.A. 2018 Supp. 38-2233(b), and amendments thereto.

(9) A foster parent, prospective foster parent, permanent custodian, prospective permanent custodian, adoptive parent or prospective adoptive parent. In order to assist such persons in making an informed decision regarding acceptance of a particular child, to help the family anticipate problems ~~which that~~ may occur during the child's placement, and to help the family meet the needs of the child in a constructive manner, the secretary shall seek and shall provide the following information to such persons as the information becomes available to the secretary:

(A) Strengths, needs and general behavior of the child;

(B) circumstances ~~which that~~ necessitated placement;

(C) information about the child's family and the child's relationship to the family ~~which that~~ may affect the placement;

(D) important life experiences and relationships ~~which that~~ may affect the child's feelings, behavior, attitudes or adjustment;

(E) medical history of the child, including third-party coverage ~~which that~~ may be available to the child; and

(F) education history, to include present grade placement, special strengths and weaknesses.

(10) The state protection and advocacy agency as provided by K.S.A. 65-5603(a) (10) or K.S.A. 74-5515(a)(2)(A) and (B), and amendments thereto.

(11) Any educational institution to the extent necessary to enable the educational institution to provide the safest possible environment for its pupils and employees.

(12) Any educator to the extent necessary to enable the educator to protect the personal safety of the educator and the educator's pupils.

(13) Any other federal, state or local government executive branch entity or any agent of such entity, having a need for such information in order to carry out such entity's responsibilities under the law to protect children from abuse and neglect.

(d) *Specified access.* The following persons or entities shall have access to information contained in agency records as specified. Information authorized to be disclosed pursuant to this subsection shall not contain information ~~which that~~ identifies a reporter of a child who is alleged or adjudicated to be a child in need of care.

(1) Information from confidential agency records of the Kansas department for children and families, a law enforcement agency or any juvenile intake and assessment

worker of a child alleged or adjudicated to be in need of care shall be available to members of the standing house or senate committee on judiciary, house committee on corrections and juvenile justice, house committee on appropriations, senate committee on ways and means, legislative post audit committee and any joint committee with authority to consider children's and families' issues, when carrying out such member's or committee's official functions in accordance with K.S.A. 75-4319, and amendments thereto, in a closed or executive meeting. Except in limited conditions established by $\frac{2}{3}$ of the members of such committee, records and reports received by the committee shall not be further disclosed. Unauthorized disclosure may subject such member to discipline or censure from the house of representatives or senate. The secretary for children and families shall not summarize the outcome of department actions regarding a child alleged to be a child in need of care in information available to members of such committees.

(2) The secretary for children and families may summarize the outcome of department actions regarding a child alleged to be a child in need of care to a person having made such report.

(3) Information from confidential reports or records of a child alleged or adjudicated to be a child in need of care may be disclosed to the public when:

(A) The individuals involved or their representatives have given express written consent; or

(B) the investigation of the abuse or neglect of the child or the filing of a petition alleging a child to be in need of care has become public knowledge, provided, however, that the agency shall limit disclosure to confirmation of procedural details relating to the handling of the case by professionals.

(e) *Court order.* Notwithstanding the provisions of this section, a court of competent jurisdiction, after in camera inspection, may order disclosure of confidential agency records pursuant to a determination that the disclosure is in the best interests of the child who is the subject of the reports or that the records are necessary for the proceedings of the court. The court shall specify the terms of disclosure and impose appropriate limitations.

(f) (1) Notwithstanding any other provision of law to the contrary, except as provided in paragraph (6), in the event that child abuse or neglect results in a child fatality or near fatality, reports or records of a child alleged or adjudicated to be in need of care received by the secretary, a law enforcement agency or any juvenile intake and assessment worker shall become a public record and subject to disclosure pursuant to K.S.A. 45-215, and amendments thereto.

(2) Within seven days of receipt of a request in accordance with the procedures adopted under K.S.A. 45-220, and amendments thereto, the secretary shall notify any affected individual that an open records request has been made concerning such records. The secretary or any affected individual may file a motion requesting the court to prevent disclosure of such record or report, or any select portion thereof. Notice of the filing of such motion shall be provided to all parties requesting the records or reports, and such party or parties shall have a right to hearing, upon request, prior to the entry of any order on such motion. If the affected individual does not file such motion within seven days of notification, and the secretary has not filed a motion, the secretary shall release the reports or records. If such motion is filed, the court shall consider the effect such disclosure may have upon an ongoing criminal investigation, a pending

prosecution, or the privacy of the child, if living, or the child's siblings, parents or guardians, and the public's interest in the disclosure of such records or reports. The court shall make written findings on the record justifying the closing of the records and shall provide a copy of the journal entry to the affected parties and the individual requesting disclosure pursuant to the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto.

(3) Notwithstanding the provisions of paragraph (2), in the event that child abuse or neglect results in a child fatality, the secretary shall release the following information in response to an open records request made pursuant to the Kansas open records act, within seven business days of receipt of such request, as allowed by applicable law:

- (A) Age and sex of the child;
- (B) date of the fatality;
- (C) a summary of any previous reports of abuse or neglect received by the secretary involving the child, along with the findings of such reports; and
- (D) any department recommended services provided to the child.

(4) Notwithstanding the provisions of paragraph (2), in the event that a child fatality occurs while such child was in the custody of the secretary for children and families, the secretary shall release the following information in response to an open records request made pursuant to the Kansas open records act, within seven business days of receipt of such request, as allowed by applicable law:

- (A) Age and sex of the child;
- (B) date of the fatality; and
- (C) a summary of the facts surrounding the death of the child.

(5) For reports or records requested pursuant to this subsection, the time limitations specified in this subsection shall control to the extent of any inconsistency between this subsection and K.S.A. 45-218, and amendments thereto. As used in this section, "near fatality" means an act that, as certified by a person licensed to practice medicine and surgery, places the child in serious or critical condition.

(6) Nothing in this subsection shall allow the disclosure of reports, records or documents concerning the child and such child's biological parents that were created prior to such child's adoption. Nothing herein is intended to require that an otherwise privileged communication lose its privileged character.

Sec. 3. K.S.A. 2018 Supp. 38-2232 is hereby amended to read as follows: 38-2232.

(a) (1) To the extent possible, when any law enforcement officer takes into custody a child under the age of 18 years without a court order, the child shall promptly be delivered to the custody of the child's parent or other custodian unless there are reasonable grounds to believe that such action would not be in the best interests of the child.

(2) Except as provided in subsection (b), if the child is not delivered to the custody of the child's parent or other custodian, the child shall promptly be delivered to a:

- (A) (i) Shelter facility designated by the court;
- (ii) court services officer;
- (iii) juvenile intake and assessment worker;
- (iv) licensed attendant care center;
- (v) juvenile crisis intervention center after written authorization by a community mental health center; or
- (vi) other person;

(B) if the child is 15 years of age or younger, to a facility or person designated by the secretary; or

(C) if the child is 16 or 17 years of age and the child has no identifiable parental or family resources or shows signs of physical, mental, emotional or sexual abuse, to a facility or person designated by the secretary.

(3) If, after delivery of the child to a shelter facility, the person in charge of the shelter facility at that time and the law enforcement officer determine that the child will not remain in the shelter facility and if the child is presently alleged, but not yet adjudicated, to be a child in need of care solely pursuant to K.S.A. 2018 Supp. 38-2202(d)(9) or (d)(10), and amendments thereto, the law enforcement officer shall deliver the child to a ~~juvenile detention facility or other~~ secure facility, designated by the court, where the child shall be detained for not more than 24 hours, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible.

(4) No child taken into custody pursuant to this code shall be placed in a ~~juvenile detention facility or other~~ secure facility, except as authorized by this section and by K.S.A. 2018 Supp. 38-2242, 38-2243 and 38-2260, and amendments thereto.

(5) It shall be the duty of the law enforcement officer to furnish to the county or district attorney, without unnecessary delay, all the information in the possession of the officer pertaining to the child, the child's parents or other persons interested in or likely to be interested in the child and all other facts and circumstances which caused the child to be taken into custody.

(b)(1) When any law enforcement officer takes into custody any child as provided in K.S.A. 2018 Supp. 38-2231(b)(2), and amendments thereto, proceedings shall be initiated in accordance with the provisions of the interstate compact on juveniles, K.S.A. 38-1001 et seq., and amendments thereto, or K.S.A. 2018 Supp. 38-1008, and amendments thereto, when effective. Any child taken into custody pursuant to the interstate compact on juveniles may be detained in a juvenile detention facility or other secure facility.

(2) When any law enforcement officer takes into custody any child as provided in K.S.A. 2018 Supp. 38-2231(b)(3), and amendments thereto, the law enforcement officer shall place the child in protective custody and may deliver the child to a staff secure facility. The law enforcement officer shall contact the department for children and families to begin an assessment to determine safety, placement and treatment needs for the child. Such child shall not be placed in a ~~juvenile detention facility or other~~ secure facility, except as authorized by this section and by K.S.A. 2018 Supp. 38-2242, 38-2243 and 38-2260, and amendments thereto.

(3) When any law enforcement officer takes into custody any child as provided in K.S.A. 2018 Supp. 38-2231(b)(4), and amendments thereto, the law enforcement officer shall place the child in protective custody and may deliver the child to a juvenile crisis intervention center after written authorization by a community mental health center. Such child shall not be placed in a juvenile detention facility or other secure facility.

(c) Whenever a child under the age of 18 years is taken into custody by a law enforcement officer without a court order and is thereafter placed as authorized by subsection (a), the facility or person shall, upon written application of the law enforcement officer, have physical custody and provide care and supervision for the child. The application shall state:

- (1) The name and address of the child, if known;
- (2) the names and addresses of the child's parents or nearest relatives and persons with whom the child has been residing, if known; and
- (3) the officer's belief that the child is a child in need of care and that there are reasonable grounds to believe that the circumstances or condition of the child is such that the child would be harmed unless placed in the immediate custody of the shelter facility or other person.
- (d) A copy of the application shall be furnished by the facility or person receiving the child to the county or district attorney without unnecessary delay.
- (e) The shelter facility or other person designated by the court who has custody of the child pursuant to this section shall discharge the child not later than 72 hours following admission, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible, unless a court has entered an order pertaining to temporary custody or release.
- (f) In absence of a court order to the contrary, the county or district attorney or the placing law enforcement agency shall have the authority to direct the release of the child at any time.
- (g) When any law enforcement officer takes into custody any child as provided in K.S.A. 2018 Supp. 38-2231(d), and amendments thereto, the child shall promptly be delivered to the school in which the child is enrolled, any location designated by the school in which the child is enrolled or the child's parent or other custodian.

Sec. 4. K.S.A. 2018 Supp. 38-2242 is hereby amended to read as follows: 38-2242. (a) The court, upon verified application, may issue ex parte an order directing that a child be held in protective custody and, if the child has not been taken into custody, an order directing that the child be taken into custody. The application shall state for each child:

- (1) The applicant's belief that the child is a child in need of care;
- (2) that the child is likely to sustain harm if not immediately removed from the home;
- (3) that allowing the child to remain in the home is contrary to the welfare of the child; and
- (4) the facts relied upon to support the application, including efforts known to the applicant to maintain the family unit and prevent the unnecessary removal of the child from the child's home, or the specific facts supporting that an emergency exists which threatens the safety of the child.

(b) (1) The order of protective custody may be issued only after the court has determined there is probable cause to believe the allegations in the application are true. The order shall remain in effect until the temporary custody hearing provided for in K.S.A. 2018 Supp. 38-2243, and amendments thereto, unless earlier rescinded by the court.

(2) No child shall be held in protective custody for more than 72 hours, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible, unless within the 72-hour period a determination is made as to the necessity for temporary custody in a temporary custody hearing. The time spent in custody pursuant to K.S.A. 2018 Supp. 38-2232, and amendments thereto, shall be included in calculating the 72-hour period. Nothing in this subsection shall be construed to mean that the child must remain in protective custody for 72 hours. If a child is in the

protective custody of the secretary, the secretary shall allow at least one supervised visit between the child and the parent or parents within such time period as the child is in protective custody. The court may prohibit such supervised visit if the court determines it is not in the best interest of the child.

(c) (1) Whenever the court determines the necessity for an order of protective custody, the court may place the child in the protective custody of:

(A) A parent or other person having custody of the child and may enter a restraining order pursuant to subsection (e);

(B) a person, other than the parent or other person having custody, who shall not be required to be licensed under article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(C) a youth residential facility;

(D) a shelter facility;

(E) a staff secure facility, notwithstanding any other provision of law, if the child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 2018 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2018 Supp. 21-6422, and amendments thereto, or the child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 2018 Supp. 21-6419, and amendments thereto;

(F) after written authorization by a community mental health center, a juvenile crisis intervention center as described in K.S.A. 65-536, and amendments thereto; or

(G) the secretary, if the child is 15 years of age or younger, or 16 or 17 years of age if the child has no identifiable parental or family resources or shows signs of physical, mental, emotional or sexual abuse.

(2) If the secretary presents the court with a plan to provide services to a child or family which the court finds will assure the safety of the child, the court may only place the child in the protective custody of the secretary until the court finds the services are in place. The court shall have the authority to require any person or entity agreeing to participate in the plan to perform as set out in the plan. When the child is placed in the protective custody of the secretary, the secretary shall have the discretionary authority to place the child with a parent or to make other suitable placement for the child. When the child is placed in the temporary custody of the secretary and the child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 2018 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2018 Supp. 21-6422, and amendments thereto, or the child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 2018 Supp. 21-6419, and amendments thereto, the secretary shall have the discretionary authority to place the child in a staff secure facility, notwithstanding any other provision of law. When the child is presently alleged, but not yet adjudicated, to be a child in need of care solely pursuant to K.S.A. 2018 Supp. 38-2202(d)(9) or (d) (10), and amendments thereto, the child may be placed in a ~~juvenile detention facility or~~ ~~other~~ secure facility pursuant to an order of protective custody for a period of not to exceed 24 hours, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible.

(d) The order of protective custody shall be served pursuant to K.S.A. 2018 Supp. 38-2237(a), and amendments thereto, on the child's parents and any other person having legal custody of the child. The order shall prohibit the removal of the child from the

court's jurisdiction without the court's permission.

(e) If the court issues an order of protective custody, the court may also enter an order restraining any alleged perpetrator of physical, sexual, mental or emotional abuse of the child from residing in the child's home; visiting, contacting, harassing or intimidating the child, other family member or witness; or attempting to visit, contact, harass or intimidate the child, other family member or witness. Such restraining order shall be served by personal service pursuant to K.S.A. 2018 Supp. 38-2237(a), and amendments thereto, on any alleged perpetrator to whom the order is directed.

(f) (1) The court shall not enter the initial order removing a child from the custody of a parent pursuant to this section unless the court first finds probable cause that: (A)

(i) The child is likely to sustain harm if not immediately removed from the home;

(ii) allowing the child to remain in home is contrary to the welfare of the child; or

(iii) immediate placement of the child is in the best interest of the child; and

(B) reasonable efforts have been made to maintain the family unit and prevent the unnecessary removal of the child from the child's home or that an emergency exists which threatens the safety to the child.

(2) Such findings shall be included in any order entered by the court. If the child is placed in the custody of the secretary, the court shall provide the secretary with a written copy of any orders entered upon making the order.

Sec. 5. K.S.A. 2018 Supp. 38-2243 is hereby amended to read as follows: 38-2243.

(a) Upon notice and hearing, the court may issue an order directing who shall have temporary custody and may modify the order during the pendency of the proceedings as will best serve the child's welfare.

(b) A hearing pursuant to this section shall be held within 72 hours, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible, following a child having been taken into protective custody.

(c) Whenever it is determined that a temporary custody hearing is required, the court shall immediately set the time and place for the hearing. Notice of a temporary custody hearing shall be given to all parties and interested parties.

(d) Notice of the temporary custody hearing shall be given at least 24 hours prior to the hearing. The court may continue the hearing to afford the 24 hours prior notice or, with the consent of the party or interested party, proceed with the hearing at the designated time. If an order of temporary custody is entered and the parent or other person having custody of the child has not been notified of the hearing, did not appear or waive appearance and requests a rehearing, the court shall rehear the matter without unnecessary delay.

(e) Oral notice may be used for giving notice of a temporary custody hearing where there is insufficient time to give written notice. Oral notice is completed upon filing a certificate of oral notice.

(f) The court may enter an order of temporary custody after determining there is probable cause to believe that the: (1) Child is dangerous to self or to others; (2) child is not likely to be available within the jurisdiction of the court for future proceedings; (3) health or welfare of the child may be endangered without further care; (4) child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 2018 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2018 Supp. 21-6422, and amendments thereto; (5) child is experiencing a mental health crisis and is in need of treatment; or

(6) child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 2018 Supp. 21-6419, and amendments thereto.

(g) (1) Whenever the court determines the necessity for an order of temporary custody the court may place the child in the temporary custody of:

(A) A parent or other person having custody of the child and may enter a restraining order pursuant to subsection (h);

(B) a person, other than the parent or other person having custody, who shall not be required to be licensed under article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(C) a youth residential facility;

(D) a shelter facility;

(E) a staff secure facility, notwithstanding any other provision of law, if the child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 2018 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2018 Supp. 21-6422, and amendments thereto, or the child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 2018 Supp. 21-6419, and amendments thereto;

(F) after written authorization by a community mental health center, a juvenile crisis intervention center, as described in K.S.A. 65-536, and amendments thereto; or

(G) the secretary, if the child is 15 years of age or younger, or 16 or 17 years of age if the child has no identifiable parental or family resources or shows signs of physical, mental, emotional or sexual abuse.

(2) If the secretary presents the court with a plan to provide services to a child or family which the court finds will assure the safety of the child, the court may only place the child in the temporary custody of the secretary until the court finds the services are in place. The court shall have the authority to require any person or entity agreeing to participate in the plan to perform as set out in the plan. When the child is placed in the temporary custody of the secretary, the secretary shall have the discretionary authority to place the child with a parent or to make other suitable placement for the child. When the child is placed in the temporary custody of the secretary and the child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 2018 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2018 Supp. 21-6422, and amendments thereto, or the child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 2018 Supp. 21-6419, and amendments thereto, the secretary shall have the discretionary authority to place the child in a staff secure facility, notwithstanding any other provision of law. When the child is presently alleged, but not yet adjudicated to be a child in need of care solely pursuant to K.S.A. 2018 Supp. 38-2202(d)(9) or (d)(10), and amendments thereto, the child may be placed in a ~~juvenile detention facility or~~ other secure facility, but the total amount of time that the child may be held in such facility under this section and K.S.A. 2018 Supp. 38-2242, and amendments thereto, shall not exceed 24 hours, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible. The order of temporary custody shall remain in effect until modified or rescinded by the court or an adjudication order is entered but not exceeding 60 days, unless good cause is shown and stated on the record.

(h) If the court issues an order of temporary custody, the court may also enter an

order restraining any alleged perpetrator of physical, sexual, mental or emotional abuse of the child from residing in the child's home; visiting, contacting, harassing or intimidating the child; or attempting to visit, contact, harass or intimidate the child, other family members or witnesses. Such restraining order shall be served by personal service pursuant to K.S.A. 2018 Supp. 38-2237(a), and amendments thereto, on any alleged perpetrator to whom the order is directed.

(i) (1) The court shall not enter the initial order removing a child from the custody of a parent pursuant to this section unless the court first finds probable cause that: (A)

(i) The child is likely to sustain harm if not immediately removed from the home;

(ii) allowing the child to remain in home is contrary to the welfare of the child; or

(iii) immediate placement of the child is in the best interest of the child; and

(B) reasonable efforts have been made to maintain the family unit and prevent the unnecessary removal of the child from the child's home or that an emergency exists which threatens the safety to the child.

(2) Such findings shall be included in any order entered by the court. If the child is placed in the custody of the secretary, upon making the order the court shall provide the secretary with a written copy.

(j) If the court enters an order of temporary custody that provides for placement of the child with a person other than the parent, the court shall make a child support determination pursuant to K.S.A. 2018 Supp. 38-2277, and amendments thereto.

Sec. 6. K.S.A. 2018 Supp. 39-1431 is hereby amended to read as follows: 39-1431. (a) Any person who is licensed to practice any branch of the healing arts, a licensed psychologist, a licensed master level psychologist, a licensed clinical psychotherapist, the chief administrative officer of a medical care facility, a teacher, a licensed social worker, a licensed professional nurse, a licensed practical nurse, a licensed dentist, a licensed marriage and family therapist, a licensed clinical marriage and family therapist, licensed professional counselor, licensed clinical professional counselor, registered alcohol and drug abuse counselor, a law enforcement officer, an emergency medical services attendant, a case manager, a rehabilitation counselor, a bank trust officer or any other officers of financial institutions, a legal representative, a governmental assistance provider, an owner or operator of a residential care facility, an independent living counselor and the chief administrative officer of a licensed home health agency, the chief administrative officer of an adult family home and the chief administrative officer of a provider of community services and affiliates thereof operated or funded by the Kansas department for aging and disability services or licensed under K.S.A. 2018 Supp. 39-2001 et seq., and amendments thereto, who has reasonable cause to believe that an adult is being or has been abused, neglected or exploited or is in need of protective services shall report, immediately from receipt of the information, such information or cause a report of such information to be made in any reasonable manner. An employee of a domestic violence center shall not be required to report information or cause a report of information to be made under this subsection. Other state agencies receiving reports that are to be referred to the Kansas department for children and families and the appropriate law enforcement agency, shall submit the report to the department and agency within six hours, during normal work days, of receiving the information. Reports shall be made to the Kansas department for children and families during the normal working week days and hours of operation. Reports shall be made to law enforcement agencies during the time the Kansas department for children and

families is not in operation. Law enforcement shall submit the report and appropriate information to the Kansas department for children and families on the first working day that the Kansas department for children and families is in operation after receipt of such information.

(b) The report made pursuant to subsection (a) shall contain the name and address of the person making the report and of the caretaker caring for the involved adult, the name and address of the involved adult, information regarding the nature and extent of the abuse, neglect or exploitation, the name of the next of kin of the involved adult, if known, and any other information ~~which~~ that the person making the report believes might be helpful in the investigation of the case and the protection of the involved adult.

(c) Any other person, not listed in subsection (a), having reasonable cause to suspect or believe that an adult is being or has been abused, neglected or exploited or is in need of protective services may report such information to the Kansas department for children and families. Reports shall be made to law enforcement agencies during the time the Kansas department for children and families is not in operation.

(d) A person making a report under subsection (a) shall not be required to make a report under K.S.A. 39-1401 through 39-1410, and amendments thereto.

(e) Any person required to report information or cause a report of information to be made under subsection (a) who knowingly fails to make such report or cause such report not to be made shall be guilty of a class B misdemeanor.

(f) Notice of the requirements of this act and the department to which a report is to be made under this act shall be posted in a conspicuous public place in every adult family home as defined in K.S.A. 39-1501, and amendments thereto, and every provider of community services and affiliates thereof operated or funded by the Kansas department for aging and disability services or other facility licensed under K.S.A. 2018 Supp. 39-2001 et seq., and amendments thereto, and other institutions included in subsection (a).

Sec. 7. K.S.A. 2016 Supp. 41-102, as amended by section 2 of chapter 99 of the 2018 Session Laws of Kansas, is hereby amended to read as follows: 41-102. As used in this act, unless the context clearly requires otherwise:

(a) "Alcohol" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever its origin, and includes synthetic ethyl alcohol but does not include denatured alcohol or wood alcohol.

(b) "Alcoholic candy" means:

(1) For purposes of manufacturing, any candy or other confectionery product with an alcohol content greater than 0.5% alcohol by volume; and

(2) for purposes of sale at retail, any candy or other confectionery product with an alcohol content greater than 1% alcohol by volume.

(c) "Alcoholic liquor" means alcohol, spirits, wine, beer, alcoholic candy and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by a human being, but shall not include any cereal malt beverage.

(d) "Beer" means a beverage, containing more than 3.2% alcohol by weight, obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water and includes beer, ale, stout, lager beer, porter and similar beverages having such alcoholic content.

(e) "Caterer" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(f) "Cereal malt beverage" has the meaning provided by K.S.A. 41-2701, and amendments thereto.

(g) "Club" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(h) "Director" means the director of alcoholic beverage control of the department of revenue.

(i) "Distributor" means the person importing or causing to be imported into the state, or purchasing or causing to be purchased within the state, alcoholic liquor for sale or resale to retailers licensed under this act or cereal malt beverage for sale or resale to retailers licensed under K.S.A. 41-2702, and amendments thereto.

(j) "Domestic beer" means beer which contains not more than 15% alcohol by weight and which is manufactured in this state.

(k) "Domestic fortified wine" means wine which contains more than 14%, but not more than 20% alcohol by volume and which is manufactured in this state.

(l) "Domestic table wine" means wine which contains not more than 14% alcohol by volume and which is manufactured without rectification or fortification in this state.

(m) "Drinking establishment" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(n) "Farm winery" means a winery licensed by the director to manufacture, store and sell domestic table wine and domestic fortified wine.

(o) "Hard cider" means any alcoholic beverage that:

(1) Contains less than 8.5% alcohol by volume;

(2) has a carbonation level that does not exceed 6.4 grams per liter; and

(3) is obtained by the normal alcoholic fermentation of the juice of sound, ripe apples or pears, including such beverages containing sugar added for the purpose of correcting natural deficiencies.

(p) "Manufacture" means to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle or fill an original package with any alcoholic liquor, beer or cereal malt beverage.

(q) (1) "Manufacturer" means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or refills an original package and others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquor, beer or cereal malt beverage.

(2) "Manufacturer" does not include a microbrewery, microdistillery or a farm winery.

(r) "Microbrewery" means a brewery licensed by the director to manufacture, store and sell domestic beer and hard cider.

(s) "Microdistillery" means a facility which produces spirits from any source or substance that is licensed by the director to manufacture, store and sell spirits.

(t) "Minor" means any person under 21 years of age.

(u) "Nonbeverage user" means any manufacturer of any of the products set forth and described in K.S.A. 41-501, and amendments thereto, when the products contain alcohol or wine, and all laboratories using alcohol for nonbeverage purposes.

(v) "Original package" means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor. Original container does not include a sleeve.

(w) "Person" means any natural person, corporation, partnership, trust or

association.

(x) "Powdered alcohol" means alcohol that is prepared in a powdered or crystal form for either direct use or for reconstitution in a nonalcoholic liquid.

(y) "Primary American source of supply" means the manufacturer, the owner of alcoholic liquor at the time it becomes a marketable product or the manufacturer's or owner's exclusive agent who, if the alcoholic liquor cannot be secured directly from such manufacturer or owner by American wholesalers, is the source closest to such manufacturer or owner in the channel of commerce from which the product can be secured by American wholesalers.

(z) (1) "Retailer" means a person who is licensed under the Kansas liquor control act and sells at retail, or offers for sale at retail, alcoholic liquors or cereal malt beverages.

(2) "Retailer" does not include a microbrewery, microdistillery or a farm winery.

(aa) "Sale" means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration and includes all sales made by any person, whether principal, proprietor, agent, servant or employee.

(bb) "Salesperson" means any natural person who:

(1) Procures or seeks to procure an order, bargain, contract or agreement for the sale of alcoholic liquor or cereal malt beverage; or

(2) is engaged in promoting the sale of alcoholic liquor or cereal malt beverage, or in promoting the business of any person, firm or corporation engaged in the manufacturing and selling of alcoholic liquor or cereal malt beverage, whether the seller resides within the state of Kansas and sells to licensed buyers within the state of Kansas, or whether the seller resides without the state of Kansas and sells to licensed buyers within the state of Kansas.

(cc) "Sample" means a serving of alcoholic liquor that contains not more than: (1) One-half ounce of distilled spirits; (2) one ounce of wine; or (3) two ounces of beer or cereal malt beverage. A sample of a mixed alcoholic beverage shall contain not more than ½ ounce of distilled spirits.

(dd) "Secretary" means the secretary of revenue.

~~(dd)~~(ee) (1) "Sell at retail" and "sale at retail" refer to and mean sales for use or consumption and not for resale in any form and sales to clubs, licensed drinking establishments, licensed caterers or holders of temporary permits.

(2) "Sell at retail" and "sale at retail" do not refer to or mean sales by a distributor, a microbrewery, a farm winery, a licensed club, a licensed drinking establishment, a licensed caterer or a holder of a temporary permit.

~~(ee)~~(ff) "To sell" includes to solicit or receive an order for, to keep or expose for sale and to keep with intent to sell.

(ff)(gg) "Sleeve" means a package of two or more 50-milliliter (3.2-fluid-ounce) containers of spirits.

~~(gg)~~(hh) "Spirits" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

(hh)(ii) "Supplier" means a manufacturer of alcoholic liquor or cereal malt beverage or an agent of such manufacturer, other than a salesperson.

~~(ii)~~(jj) "Temporary permit" has the meaning provided by K.S.A. 41-2601, and

amendments thereto.

~~(jj)~~(kk) "Wine" means any alcoholic beverage obtained by the normal alcoholic fermentation of the juice of sound, ripe grapes, fruits, berries or other agricultural products, including such beverages containing added alcohol or spirits or containing sugar added for the purpose of correcting natural deficiencies. The term "wine" shall include hard cider and any other product that is commonly known as a subset of wine.

Sec. 8. K.S.A. 2018 Supp. 79-32,117 is hereby amended to read as follows: 79-32,117. (a) The Kansas adjusted gross income of an individual means such individual's federal adjusted gross income for the taxable year, with the modifications specified in this section.

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

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

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

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

(iv) Federal income tax refunds received by the taxpayer if the deduction of the taxes being refunded resulted in a tax benefit for Kansas income tax purposes during a prior taxable year. Such refunds shall be included in income in the year actually received regardless of the method of accounting used by the taxpayer. For purposes hereof, a tax benefit shall be deemed to have resulted if the amount of the tax had been deducted in determining income subject to a Kansas income tax for a prior year regardless of the rate of taxation applied in such prior year to the Kansas taxable income, but only that portion of the refund shall be included as bears the same proportion to the total refund received as the federal taxes deducted in the year to which such refund is attributable bears to the total federal income taxes paid for such year. For purposes of the foregoing sentence, federal taxes shall be considered to have been deducted only to the extent such deduction does not reduce Kansas taxable income below zero.

(v) The amount of any depreciation deduction or business expense deduction claimed on the taxpayer's federal income tax return for any capital expenditure in making any building or facility accessible to the handicapped, for which expenditure the

taxpayer claimed the credit allowed by K.S.A. 79-32,177, and amendments thereto.

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

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

(viii) The amount of any costs incurred for improvements to a swine facility, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2018 Supp. 79-32,204, and amendments thereto.

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

(x) Amounts received as nonqualified withdrawals, as defined by K.S.A. 2018 Supp. 75-643, and amendments thereto, if, at the time of contribution to a family postsecondary education savings account, such amounts were subtracted from the federal adjusted gross income pursuant to K.S.A. 79-32,117(c)(xv), and amendments thereto, or if such amounts are not already included in the federal adjusted gross income.

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

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

(xiii) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2018 Supp. 79-32,217 through 79-32,220 or 79-32,222, and amendments thereto.

(xiv) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2018 Supp. 79-32,221, and amendments thereto.

(xv) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2018 Supp. 79-32,223 through 79-32,226, 79-32,228 through 79-32,231, 79-32,233 through 79-32,236, 79-32,238 through 79-32,241, 79-32,245 through 79-32,248 or 79-32,251 through 79-32,254, and amendments thereto.

(xvi) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2018 Supp. 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250 or 79-32,255, and amendments thereto.

(xvii) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to

K.S.A. 2018 Supp. 79-32,256, and amendments thereto.

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

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

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

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

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

(xxiii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for domestic production activities under section 199 of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid for medical care of the taxpayer or the taxpayer's spouse or

dependents when such expenses were paid or incurred for an abortion, or for a health benefit plan, as defined in K.S.A. 65-6731, and amendments thereto, for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2018 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xxv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid by a taxpayer for health care when such expenses were paid or incurred for abortion coverage, a health benefit plan, as defined in K.S.A. 65-6731, and amendments thereto, when such expenses were paid or incurred for abortion coverage or amounts contributed to health savings accounts for such taxpayer's employees for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2018 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as a deduction for federal income tax purposes.

(xxvi) For all taxable years beginning after December 31, 2016, the amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 72-99a07, and amendments thereto, and is also claimed as an itemized deduction for federal income tax purposes.

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

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

(ii) Any amounts received which are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.

(iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to that portion of such gain which is included in federal adjusted gross income.

(iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.

(v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.

(vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.

(vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received

as retirement benefits in whatever form which were earned for being employed by the federal government or for service in the armed forces of the United States.

(viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 U.S.C. §§ 228b (a) and 228c (a)(1) et seq.

(ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.

(x) For taxable years beginning after December 31, 1976, the amount of the federal tentative jobs tax credit disallowance under the provisions of 26 U.S.C. § 280 C. For taxable years ending after December 31, 1978, the amount of the targeted jobs tax credit and work incentive credit disallowances under 26 U.S.C. § 280 C.

(xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas venture capital, inc.

(xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249, and amendments thereto.

(xiii) For taxable years beginning after December 31, 2004, amounts contributed to and the amount of income earned on contributions deposited to an individual development account under K.S.A. 74-50,201 et seq., and amendments thereto.

(xiv) For all taxable years commencing after December 31, 1996, that portion of any income of a bank organized under the laws of this state or any other state, a national banking association organized under the laws of the United States, an association organized under the savings and loan code of this state or any other state, or a federal savings association organized under the laws of the United States, for which an election as an S corporation under subchapter S of the federal internal revenue code is in effect, which accrues to the taxpayer who is a stockholder of such corporation and which is not distributed to the stockholders as dividends of the corporation. For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of modification under this subsection shall exclude the portion of income or loss reported on schedule E and included on line 17 of the taxpayer's form 1040 federal individual income tax return.

(xv) For all taxable years beginning after December 31, ~~2006~~ 2017, the cumulative amounts not exceeding \$3,000, or \$6,000 for a married couple filing a joint return, for each designated beneficiary ~~which that~~ are contributed to: (1) A family postsecondary education savings account established under the Kansas postsecondary education savings program or a qualified tuition program established and maintained by another state or agency or instrumentality thereof pursuant to section 529 of the internal revenue code of 1986, as amended, for the purpose of paying the qualified higher education expenses of a designated beneficiary at an institution of postsecondary education; or (2) an achieving a better life experience (ABLE) account established under the Kansas ABLE savings program or a qualified ABLE program established and maintained by another state or agency or instrumentality thereof pursuant to section 529A of the internal revenue code of 1986, as amended, for the purpose of saving private funds to support an individual with a disability. The terms and phrases used in this paragraph shall have the meaning respectively ascribed thereto by the provisions of K.S.A. 2018 Supp. 75-643 and 75-652, and amendments thereto, and the provisions of such ~~section~~

sections are hereby incorporated by reference for all purposes thereof.

(xvi) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are or were members of the armed forces of the United States, including service in the Kansas army and air national guard, as a recruitment, sign up or retention bonus received by such taxpayer as an incentive to join, enlist or remain in the armed services of the United States, including service in the Kansas army and air national guard, and amounts received for repayment of educational or student loans incurred by or obligated to such taxpayer and received by such taxpayer as a result of such taxpayer's service in the armed forces of the United States, including service in the Kansas army and air national guard.

(xvii) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are eligible members of the Kansas army and air national guard as a reimbursement pursuant to K.S.A. 48-281, and amendments thereto, and amounts received for death benefits pursuant to K.S.A. 48-282, and amendments thereto, or pursuant to section 1 or section 2 of chapter 207 of the 2005 Session Laws of Kansas, and amendments thereto, to the extent that such death benefits are included in federal adjusted gross income of the taxpayer.

(xviii) For the taxable year beginning after December 31, 2006, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$50,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly; and for all taxable years beginning after December 31, 2007, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$75,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly.

(xix) Amounts received by retired employees of Washburn university as retirement and pension benefits under the university's retirement plan.

(xx) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any: (1) Net profit from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) net income, not including guaranteed payments as defined in section 707(c) of the federal internal revenue code and as reported to the taxpayer from federal schedule K-1, (form 1065-B), in box 9, code F or as reported to the taxpayer from federal schedule K-1, (form 1065) in box 4, from rental real estate, royalties, partnerships, S corporations, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) net farm profit as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent included in the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011 and as revised thereafter by the internal revenue service.

(xxi) For all taxable years beginning after December 31, 2013, amounts equal to the unreimbursed travel, lodging and medical expenditures directly incurred by a

taxpayer while living, or a dependent of the taxpayer while living, for the donation of one or more human organs of the taxpayer, or a dependent of the taxpayer, to another person for human organ transplantation. The expenses may be claimed as a subtraction modification provided for in this section to the extent the expenses are not already subtracted from the taxpayer's federal adjusted gross income. In no circumstances shall the subtraction modification provided for in this section for any individual, or a dependent, exceed \$5,000. As used in this section, "human organ" means all or part of a liver, pancreas, kidney, intestine, lung or bone marrow. The provisions of this paragraph shall take effect on the day the secretary of revenue certifies to the director of the budget that the cost for the department of revenue of modifications to the automated tax system for the purpose of implementing this paragraph will not exceed \$20,000.

(xxii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of net gain from the sale of: (1) Cattle and horses, regardless of age, held by the taxpayer for draft, breeding, dairy or sporting purposes, and held by such taxpayer for 24 months or more from the date of acquisition; and (2) other livestock, regardless of age, held by the taxpayer for draft, breeding, dairy or sporting purposes, and held by such taxpayer for 12 months or more from the date of acquisition. The subtraction from federal adjusted gross income shall be limited to the amount of the additions recognized under the provisions of subsection (b)(xix) attributable to the business in which the livestock sold had been used. As used in this paragraph, the term "livestock" shall not include poultry.

(xxiii) For all taxable years beginning after December 31, 2012, amounts received under either the Overland Park, Kansas police department retirement plan or the Overland Park, Kansas fire department retirement plan, both as established by the city of Overland Park, pursuant to the city's home rule authority.

(xxiv) For taxable years beginning after December 31, 2013, and ending before January 1, 2017, the net gain from the sale from Christmas trees grown in Kansas and held by the taxpayer for six years or more.

(d) There shall be added to or subtracted from federal adjusted gross income the taxpayer's share, as beneficiary of an estate or trust, of the Kansas fiduciary adjustment determined under K.S.A. 79-32,135, and amendments thereto.

(e) The amount of modifications required to be made under this section by a partner which relates to items of income, gain, loss, deduction or credit of a partnership shall be determined under K.S.A. 79-32,131, and amendments thereto, to the extent that such items affect federal adjusted gross income of the partner.

(f) No taxpayer shall be assessed penalties and interest from the underpayment of taxes due to changes to this section that became law on July 1, 2017, so long as such underpayment is rectified on or before April 17, 2018.

Sec. 9. K.S.A. 2018 Supp. 79-3602 is hereby amended to read as follows: 79-3602. Except as otherwise provided, as used in the Kansas retailers' sales tax act:

(a) "Agent" means a person appointed by a seller to represent the seller before the member states.

(b) "Agreement" means the multistate agreement entitled the streamlined sales and use tax agreement approved by the streamlined sales tax implementing states at Chicago, Illinois on November 12, 2002.

(c) "Alcoholic beverages" means beverages that are suitable for human consumption and contain 0.05% or more of alcohol by volume.

(d) "Certified automated system (CAS)" means software certified under the agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state and maintain a record of the transaction.

(e) "Certified service provider (CSP)" means an agent certified under the agreement to perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on its own purchases.

(f) "Computer" means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions.

(g) "Computer software" means a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task.

(h) "Delivered electronically" means delivered to the purchaser by means other than tangible storage media.

(i) "Delivery charges" means charges by the seller of personal property or services for preparation and delivery to a location designated by the purchaser of personal property or services including, but not limited to, transportation, shipping, postage, handling, crating and packing. Delivery charges shall not include charges for delivery of direct mail if the charges are separately stated on an invoice or similar billing document given to the purchaser.

(j) "Direct mail" means printed material delivered or distributed by United States mail or other delivery services to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items are not billed directly to the recipients. Direct mail includes tangible personal property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material. Direct mail does not include multiple items of printed material delivered to a single address.

(k) "Director" means the state director of taxation.

(l) "Educational institution" means any nonprofit school, college and university that offers education at a level above the 12th grade, and conducts regular classes and courses of study required for accreditation by, or membership in, the higher learning commission, the state board of education, or that otherwise qualify as an "educational institution," as defined by K.S.A. 74-50,103, and amendments thereto. Such phrase shall include: (1) A group of educational institutions that operates exclusively for an educational purpose; (2) nonprofit endowment associations and foundations organized and operated exclusively to receive, hold, invest and administer moneys and property as a permanent fund for the support and sole benefit of an educational institution; (3) nonprofit trusts, foundations and other entities organized and operated principally to hold and own receipts from intercollegiate sporting events and to disburse such receipts, as well as grants and gifts, in the interest of collegiate and intercollegiate athletic programs for the support and sole benefit of an educational institution; and (4) nonprofit trusts, foundations and other entities organized and operated for the primary purpose of encouraging, fostering and conducting scholarly investigations and industrial and other types of research for the support and sole benefit of an educational institution.

(m) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

(n) "Food and food ingredients" means substances, whether in liquid, concentrated, solid, frozen, dried or dehydrated form, that are sold for ingestion or chewing by

humans and are consumed for their taste or nutritional value. "Food and food ingredients" does not include alcoholic beverages or tobacco.

(o) "Gross receipts" means the total selling price or the amount received as defined in this act, in money, credits, property or other consideration valued in money from sales at retail within this state; and embraced within the provisions of this act. The taxpayer, may take credit in the report of gross receipts for: (1) An amount equal to the selling price of property returned by the purchaser when the full sale price thereof, including the tax collected, is refunded in cash or by credit; and (2) an amount equal to the allowance given for the trade-in of property.

(p) "Ingredient or component part" means tangible personal property which is necessary or essential to, and which is actually used in and becomes an integral and material part of tangible personal property or services produced, manufactured or compounded for sale by the producer, manufacturer or compounder in its regular course of business. The following items of tangible personal property are hereby declared to be ingredients or component parts, but the listing of such property shall not be deemed to be exclusive nor shall such listing be construed to be a restriction upon, or an indication of, the type or types of property to be included within the definition of "ingredient or component part" as herein set forth:

(1) Containers, labels and shipping cases used in the distribution of property produced, manufactured or compounded for sale which are not to be returned to the producer, manufacturer or compounder for reuse.

(2) Containers, labels, shipping cases, paper bags, drinking straws, paper plates, paper cups, twine and wrapping paper used in the distribution and sale of property taxable under the provisions of this act by wholesalers and retailers and which is not to be returned to such wholesaler or retailer for reuse.

(3) Seeds and seedlings for the production of plants and plant products produced for resale.

(4) Paper and ink used in the publication of newspapers.

(5) Fertilizer used in the production of plants and plant products produced for resale.

(6) Feed for animals, fowl and aquatic plants and animals, the primary purpose of which is use in agriculture or aquaculture, as defined in K.S.A. 47-1901, and amendments thereto, the production of food for human consumption, the production of animal, dairy, poultry or aquatic plant and animal products, fiber, fur, or the production of offspring for use for any such purpose or purposes.

(q) "Isolated or occasional sale" means the nonrecurring sale of tangible personal property, or services taxable hereunder by a person not engaged at the time of such sale in the business of selling such property or services. Any religious organization which makes a nonrecurring sale of tangible personal property acquired for the purpose of resale shall be deemed to be not engaged at the time of such sale in the business of selling such property. Such term shall include: (1) Any sale by a bank, savings and loan institution, credit union or any finance company licensed under the provisions of the Kansas uniform consumer credit code of tangible personal property which has been repossessed by any such entity; and (2) any sale of tangible personal property made by an auctioneer or agent on behalf of not more than two principals or households if such sale is nonrecurring and any such principal or household is not engaged at the time of such sale in the business of selling tangible personal property.

(r) "Lease or rental" means any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. A lease or rental may include future options to purchase or extend.

(1) Lease or rental does not include: (A) A transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments;

(B) a transfer or possession or control of property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price does not exceed the greater of \$100 or 1% of the total required payments; or

(C) providing tangible personal property along with an operator for a fixed or indeterminate period of time. A condition of this exclusion is that the operator is necessary for the equipment to perform as designed. For the purpose of this subsection, an operator must do more than maintain, inspect or set-up the tangible personal property.

(2) Lease or rental does include agreements covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon sale or disposition of the property as defined in 26 U.S.C. § 7701(h)(1).

(3) This definition shall be used for sales and use tax purposes regardless if a transaction is characterized as a lease or rental under generally accepted accounting principles, the internal revenue code, the uniform commercial code, K.S.A. 84-1-101 et seq., and amendments thereto, or other provisions of federal, state or local law.

(4) This definition will be applied only prospectively from the effective date of this act and will have no retroactive impact on existing leases or rentals.

(s) "Load and leave" means delivery to the purchaser by use of a tangible storage media where the tangible storage media is not physically transferred to the purchaser.

(t) "Member state" means a state that has entered in the agreement, pursuant to provisions of article VIII of the agreement.

(u) "Model 1 seller" means a seller that has selected a CSP as its agent to perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on its own purchases.

(v) "Model 2 seller" means a seller that has selected a CAS to perform part of its sales and use tax functions, but retains responsibility for remitting the tax.

(w) "Model 3 seller" means a seller that has sales in at least five member states, has total annual sales revenue of at least \$500,000,000, has a proprietary system that calculates the amount of tax due each jurisdiction and has entered into a performance agreement with the member states that establishes a tax performance standard for the seller. As used in this subsection a seller includes an affiliated group of sellers using the same proprietary system.

(x) "Municipal corporation" means any city incorporated under the laws of Kansas.

(y) "Nonprofit blood bank" means any nonprofit place, organization, institution or establishment that is operated wholly or in part for the purpose of obtaining, storing, processing, preparing for transfusing, furnishing, donating or distributing human blood or parts or fractions of single blood units or products derived from single blood units, whether or not any remuneration is paid therefor, or whether such procedures are done for direct therapeutic use or for storage for future use of such products.

(z) "Persons" means any individual, firm, copartnership, joint adventure,

association, corporation, estate or trust, receiver or trustee, or any group or combination acting as a unit, and the plural as well as the singular number; and shall specifically mean any city or other political subdivision of the state of Kansas engaging in a business or providing a service specifically taxable under the provisions of this act.

(aa) "Political subdivision" means any municipality, agency or subdivision of the state which is, or shall hereafter be, authorized to levy taxes upon tangible property within the state or which certifies a levy to a municipality, agency or subdivision of the state which is, or shall hereafter be, authorized to levy taxes upon tangible property within the state. Such term also shall include any public building commission, housing, airport, port, metropolitan transit or similar authority established pursuant to law and the horsethief reservoir benefit district established pursuant to K.S.A. 82a-2201, and amendments thereto.

(bb) "Prescription" means an order, formula or recipe issued in any form of oral, written, electronic or other means of transmission by a duly licensed practitioner authorized by the laws of this state.

(cc) "Prewritten computer software" means computer software, including prewritten upgrades, which is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof does not cause the combination to be other than prewritten computer software. Prewritten computer software includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the purchaser. Where a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person's modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software, except that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for such modification or enhancement, such modification or enhancement shall not constitute prewritten computer software.

(dd) "Property which is consumed" means tangible personal property which is essential or necessary to and which is used in the actual process of and consumed, depleted or dissipated within one year in: (1) The production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property; (2) the providing of services; (3) the irrigation of crops, for sale in the regular course of business; or (4) the storage or processing of grain by a public grain warehouse or other grain storage facility, and which is not reusable for such purpose. The following is a listing of tangible personal property, included by way of illustration but not of limitation, which qualifies as property which is consumed:

(A) Insecticides, herbicides, germicides, pesticides, fungicides, fumigants, antibiotics, biologicals, pharmaceuticals, vitamins and chemicals for use in commercial or agricultural production, processing or storage of fruit, vegetables, feeds, seeds, grains, animals or animal products whether fed, injected, applied, combined with or otherwise used;

(B) electricity, gas and water; and

(C) petroleum products, lubricants, chemicals, solvents, reagents and catalysts.

(ee) "Purchase price" applies to the measure subject to use tax and has the same meaning as sales price.

(ff) "Purchaser" means a person to whom a sale of personal property is made or to whom a service is furnished.

(gg) "Quasi-municipal corporation" means any county, township, school district, drainage district or any other governmental subdivision in the state of Kansas having authority to receive or hold moneys or funds.

(hh) "Registered under this agreement" means registration by a seller with the member states under the central registration system provided in article IV of the agreement.

(ii) "Retailer" means a seller regularly engaged in the business of selling, leasing or renting tangible personal property at retail or furnishing electrical energy, gas, water, services or entertainment, and selling only to the user or consumer and not for resale.

(jj) "Retail sale" or "sale at retail" means any sale, lease or rental for any purpose other than for resale, sublease or subrent.

(kk) "Sale" or "sales" means the exchange of tangible personal property, as well as the sale thereof for money, and every transaction, conditional or otherwise, for a consideration, constituting a sale, including the sale or furnishing of electrical energy, gas, water, services or entertainment taxable under the terms of this act and including, except as provided in the following provision, the sale of the use of tangible personal property by way of a lease, license to use or the rental thereof regardless of the method by which the title, possession or right to use the tangible personal property is transferred. The term "sale" or "sales" shall not mean the sale of the use of any tangible personal property used as a dwelling by way of a lease or rental thereof for a term of more than 28 consecutive days.

(ll) (1) "Sales or selling price" applies to the measure subject to sales tax and means the total amount of consideration, including cash, credit, property and services, for which personal property or services are sold, leased or rented, valued in money, whether received in money or otherwise, without any deduction for the following:

(A) The seller's cost of the property sold;

(B) the cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller and any other expense of the seller;

(C) charges by the seller for any services necessary to complete the sale, other than delivery and installation charges;

(D) delivery charges; and

(E) installation charges.

(2) "Sales or selling price" includes consideration received by the seller from third parties if:

(A) The seller actually receives consideration from a party other than the purchaser and the consideration is directly related to a price reduction or discount on the sale;

(B) the seller has an obligation to pass the price reduction or discount through to the purchaser;

(C) the amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale of the item to the purchaser; and

(D) one of the following criteria is met:

(i) The purchaser presents a coupon, certificate or other documentation to the seller

to claim a price reduction or discount where the coupon, certificate or documentation is authorized, distributed or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate or documentation is presented;

(ii) the purchaser identifies to the seller that the purchaser is a member of a group or organization entitled to a price reduction or discount. A preferred customer card that is available to any patron does not constitute membership in such a group; or

(iii) the price reduction or discount is identified as a third party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate or other documentation presented by the purchaser.

(3) "Sales or selling price" shall not include:

(A) Discounts, including cash, term or coupons that are not reimbursed by a third party that are allowed by a seller and taken by a purchaser on a sale;

(B) interest, financing and carrying charges from credit extended on the sale of personal property or services, if the amount is separately stated on the invoice, bill of sale or similar document given to the purchaser;

(C) any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale or similar document given to the purchaser;

(D) the amount equal to the allowance given for the trade-in of property, if separately stated on the invoice, billing or similar document given to the purchaser; and

(E) commencing on July 1, 2018, and ending on June 30, 2021, cash rebates granted by a manufacturer to a purchaser or lessee of a new motor vehicle if paid directly to the retailer as a result of the original sale.

(mm) "Seller" means a person making sales, leases or rentals of personal property or services.

(nn) "Service" means those services described in and taxed under the provisions of K.S.A. 79-3603, and amendments thereto.

(oo) "Sourcing rules" means the rules set forth in K.S.A. 2018 Supp. 79-3670 through 79-3673, K.S.A. 12-191 and 12-191a, and amendments thereto, which shall apply to identify and determine the state and local taxing jurisdiction sales or use taxes to pay, or collect and remit on a particular retail sale.

(pp) "Tangible personal property" means personal property that can be seen, weighed, measured, felt or touched, or that is in any other manner perceptible to the senses. Tangible personal property includes electricity, water, gas, steam and prewritten computer software.

(qq) "Taxpayer" means any person obligated to account to the director for taxes collected under the terms of this act.

(rr) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco or any other item that contains tobacco.

(ss) "Entity-based exemption" means an exemption based on who purchases the product or who sells the product. An exemption that is available to all individuals shall not be considered an entity-based exemption.

(tt) "Over-the-counter drug" means a drug that contains a label that identifies the product as a drug as required by 21 C.F.R. § 201.66. The over-the-counter drug label includes: (1) A drug facts panel; or (2) a statement of the active ingredients with a list of those ingredients contained in the compound, substance or preparation. Over-the-counter drugs do not include grooming and hygiene products such as soaps, cleaning

solutions, shampoo, toothpaste, antiperspirants and sun tan lotions and screens.

(uu) "Ancillary services" means services that are associated with or incidental to the provision of telecommunications services, including, but not limited to, detailed telecommunications billing, directory assistance, vertical service and voice mail services.

(vv) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call and may include the provision of a telephone number. Conference bridging service does not include the telecommunications services used to reach the conference bridge.

(ww) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.

(xx) "Directory assistance" means an ancillary service of providing telephone number information or address information, or both.

(yy) "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and to manage multiple calls and call connections, including conference bridging services.

(zz) "Voice mail service" means an ancillary service that enables the customer to store, send or receive recorded messages. Voice mail service does not include any vertical services that the customer may be required to have in order to utilize the voice mail service.

(aaa) "Telecommunications service" means the electronic transmission, conveyance or routing of voice, data, audio, video or any other information or signals to a point, or between or among points. The term telecommunications service includes such transmission, conveyance or routing in which computer processing applications are used to act on the form, code or protocol of the content for purposes of transmissions, conveyance or routing without regard to whether such service is referred to as voice over internet protocol services or is classified by the federal communications commission as enhanced or value added. Telecommunications service does not include:

(1) Data processing and information services that allow data to be generated, acquired, stored, processed or retrieved and delivered by an electronic transmission to a purchaser where such purchaser's primary purpose for the underlying transaction is the processed data or information;

(2) installation or maintenance of wiring or equipment on a customer's premises;

(3) tangible personal property;

(4) advertising, including, but not limited to, directory advertising;

(5) billing and collection services provided to third parties;

(6) internet access service;

(7) radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance and routing of such services by the programming service provider. Radio and television audio and video programming services shall include, but not be limited to, cable service as defined in 47 U.S.C. § 522(6) and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. § 20.3;

(8) ancillary services; or

(9) digital products delivered electronically, including, but not limited to, software,

music, video, reading materials or ring tones.

(bbb) "800 service" means a telecommunications service that allows a caller to dial a toll-free number without incurring a charge for the call. The service is typically marketed under the name 800, 855, 866, 877 and 888 toll-free calling, and any subsequent numbers designated by the federal communications commission.

(ccc) "900 service" means an inbound toll telecommunications service purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service. 900 service does not include the charge for collection services provided by the seller of the telecommunications services to the subscriber, or service or product sold by the subscriber to the subscriber's customer. The service is typically marketed under the name 900 service, and any subsequent numbers designated by the federal communications commission.

(ddd) "Value-added non-voice data service" means a service that otherwise meets the definition of telecommunications services in which computer processing applications are used to act on the form, content, code or protocol of the information or data primarily for a purpose other than transmission, conveyance or routing.

(eee) "International" means a telecommunications service that originates or terminates in the United States and terminates or originates outside the United States, respectively. United States includes the District of Columbia or a U.S. territory or possession.

(fff) "Interstate" means a telecommunications service that originates in one United States state, or a United States territory or possession, and terminates in a different United States state or a United States territory or possession.

(ggg) "Intrastate" means a telecommunications service that originates in one United States state or a United States territory or possession, and terminates in the same United States state or a United States territory or possession.

(hhh) "Cereal malt beverage" shall have the same meaning as such term is defined in K.S.A. 41-2701, and amendments thereto, except that for the purposes of the Kansas retailers sales tax act and for no other purpose, such term shall include beer containing not more than 6% alcohol by volume when such beer is sold by a retailer licensed under the Kansas cereal malt beverage act.

Sec. 10. K.S.A. 2015 Supp. 38-2232, as amended by section 24 of chapter 46 of the 2016 Session Laws of Kansas, 38-2242, as amended by section 25 of chapter 46 of the 2016 Session Laws of Kansas, and 38-2243, as amended by section 26 of chapter 46 of the 2016 Session Laws of Kansas; K.S.A. 2016 Supp. 41-102, as amended by section 2 of chapter 99 of the 2018 Session Laws of Kansas, and 41-102, as amended by section 10 of 2019 Senate Bill No. 70; K.S.A. 2017 Supp. 79-3602, as amended by section 5 of chapter 8 of the 2018 Session Laws of Kansas; and K.S.A. 2018 Supp. 21-5413, 21-5413a, 22-3302a, 38-2212, 38-2212a, 38-2232, 38-2242, 38-2243, 39-1431, 39-1431a, 79-32,117, 79-32,117p and 79-3602 are hereby repealed.";

Also on page 9, in line 37, by striking "Kansas register" and inserting "statute book";

On page 1, in the title, in line 1, by striking all after "ACT"; by striking all in lines 2 through 6; in line 7, by striking all before the period and inserting "reconciling conflicting amendments to certain statutes; amending K.S.A. 2016 Supp. 41-102, as amended by section 2 of chapter 99 of the 2018 Session Laws of Kansas; and K.S.A. 2018 Supp. 21-5413, 38-2212, 38-2232, 38-2242, 38-2243, 39-1431, 79-32,117 and 79-3602 and repealing the existing sections; also repealing K.S.A. 2015 Supp. 38-2232, as

amended by section 24 of chapter 46 of the 2016 Session Laws of Kansas, 38-2242, as amended by section 25 of chapter 46 of the 2016 Session Laws of Kansas, and 38-2243, as amended by section 26 of chapter 46 of the 2016 Session Laws of Kansas; K.S.A. 2016 Supp. 41-102, as amended by section 10 of 2019 Senate Bill No. 70; K.S.A. 2017 Supp. 79-3602, as amended by section 5 of chapter 8 of the 2018 Session Laws of Kansas; and K.S.A. 2018 Supp. 21-5413a, 22-3302a, 38-2212a, 39-1431a and 79-32,117p";

And your committee on conference recommends the adoption of this report.

CAROLYN MCGINN

RICK BILLINGER

TOM HAWK

Conferees on part of Senate

TROY WAYMASTER

KYLE HOFFMAN

KATHY WOLFE MOORE

Conferees on part of House

Senator McGinn moved the Senate adopt the Conference Committee Report on **HB 2203**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MADAM PRESIDENT: Your committee on conference on Senate amendments to **HB 2248** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 1, by striking all in lines 8 through 34;

On page 2, by striking all in lines 1 through 33; following line 33, by inserting:

"Section 1. K.S.A. 2018 Supp. 50-6,109a is hereby amended to read as follows: 50-6,109a. (a) The attorney general is hereby given jurisdiction and authority over all matters involving the implementation, administration and enforcement of the provisions of the scrap metal theft reduction act including to:

(1) Employ or appoint agents as necessary to implement, administer and enforce the act;

(2) contract;

(3) expend funds;

(4) license and discipline;

(5) investigate;

- (6) issue subpoenas;
- (7) keep statistics; and
- (8) conduct education and outreach programs to promote compliance with the act.

(b) In accordance with the rules and regulations filing act, the attorney general is hereby authorized to adopt rules and regulations necessary to implement the provisions of the scrap metal theft reduction act.

(c) There is hereby established in the state treasury the scrap metal theft reduction fee fund to be administered by the attorney general. All moneys received by the attorney general from fees, charges or penalties collected under the provisions of the scrap metal theft reduction act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, who shall deposit the entire amount thereof in the state treasury to the credit of the scrap metal theft reduction fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or the attorney general's designee. All moneys credited to the scrap metal theft reduction fee fund shall be expended for the administration of the duties, functions and operating expenses incurred under the provisions of the scrap metal theft reduction act.

~~(d)(1) Before January 1, 2020, the attorney general shall establish and maintain a database which shall be a central repository for the information required to be provided under K.S.A. 2018 Supp. 50-6,110, and amendments thereto. The database shall be maintained for the purpose of providing information to law enforcement and for any other purpose deemed necessary by the attorney general to implement and enforce the provisions of the scrap metal theft reduction act.~~

~~(2) On or before February 1, 2019, the attorney general shall submit a report to the president of the senate, the speaker of the house of representatives and the standing committees on judiciary in the senate and the house of representatives on the progress achieved in establishing the database required by this subsection.~~

(e) The information required by K.S.A. 2018 Supp. 50-6,110, and amendments thereto, maintained in such database by the attorney general, or by any entity contracting with the attorney general, submitted to, maintained or stored as part of the system shall:

(1) Be confidential, shall only be used for investigatory, evidentiary or analysis purposes related to criminal violations of city, state or federal law and shall only be released to law enforcement in response to an official investigation or as permitted in subsection (d); and

(2) not be a public record and shall not be subject to the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of this subsection shall expire on July 1, 2020, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto.

Sec. 2. On and after July 1, 2020, K.S.A. 2018 Supp. 50-6,109a, as amended by section 1 of this act, is hereby amended to read as follows: 50-6,109a. (a) The attorney general is hereby given jurisdiction and authority over all matters involving the implementation, administration and enforcement of the provisions of the scrap metal theft reduction act including to:

(1) Employ or appoint agents as necessary to implement, administer and enforce the act;

- (2) contract;
- (3) expend funds;
- (4) license and discipline;
- (5) investigate;
- (6) issue subpoenas;
- (7) keep statistics; and
- (8) conduct education and outreach programs to promote compliance with the act.

(b) In accordance with the rules and regulations filing act, the attorney general is hereby authorized to adopt rules and regulations necessary to implement the provisions of the scrap metal theft reduction act.

(c) There is hereby established in the state treasury the scrap metal theft reduction fee fund to be administered by the attorney general. All moneys received by the attorney general from fees, charges or penalties collected under the provisions of the scrap metal theft reduction act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, who shall deposit the entire amount thereof in the state treasury to the credit of the scrap metal theft reduction fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or the attorney general's designee. All moneys credited to the scrap metal theft reduction fee fund shall be expended for the administration of the duties, functions and operating expenses incurred under the provisions of the scrap metal theft reduction act.

(d) There is hereby established in the state treasury the scrap metal data repository fund to be administered by the director of the Kansas bureau of investigation. 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 director of the Kansas bureau of investigation or the director's designee. All moneys credited to the scrap metal data repository fund shall be expended for the administration of the duties, functions and operating expenses incurred under the provisions of the scrap metal theft reduction act.

(e) The attorney general may transfer any moneys from the scrap metal theft reduction fee fund to the scrap metal data repository fund. The attorney general shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

(f) On July 1, 2020, the attorney general Kansas bureau of investigation shall establish and maintain a database which shall be a central repository for the information required to be provided under K.S.A. 2018 Supp. 50-6,110, and amendments thereto. The database shall be maintained for the purpose of providing information to law enforcement and for any other purpose deemed necessary by the attorney general to implement and enforce the provisions of the scrap metal theft reduction act.

(e)(g) The information required by K.S.A. 2018 Supp. 50-6,110, and amendments thereto, maintained in such database by the attorney general Kansas bureau of investigation, or by any entity contracting with the attorney general Kansas bureau of investigation, submitted to, maintained or stored as part of the system may be provided to the attorney general and shall:

- (1) Be confidential, shall only be used for investigatory, evidentiary or analysis

purposes related to criminal violations of city, state or federal law and shall only be released to law enforcement in response to an official investigation or as permitted in subsection ~~(d)~~ (f); and

(2) not be a public record and shall not be subject to the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of this subsection shall expire on July 1, ~~2020~~2024, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto.

(h) On or before February 1, 2021, and annually on or before February 1 thereafter, the attorney general shall submit a report to the president of the senate, the speaker of the house of representatives and the standing committees on judiciary in the senate and the house of representatives on the implementation, administration and enforcement of the provisions of the scrap metal theft reduction act.

(i) Any entity contracting with the attorney general or the Kansas bureau of investigation to provide or maintain the database required by this section shall not require a scrap metal dealer to contract with such entity for the authority to release proprietary or confidential data, including, but not limited to, customer information. Such entity shall not charge any fee to the scrap metal dealer as a condition of providing information to the database as required by the scrap metal theft reduction act, including, but not limited to, a fee for electronic submission of information.

(j) A scrap metal dealer providing information to the database as required by the scrap metal theft reduction act shall not be subject to civil liability for any claim arising from the negligence or omission by the state of Kansas or any contracting entity in the collection, storing or release of information provided by such scrap metal dealer to the database.

Sec. 3. K.S.A. 2018 Supp. 50-6,109c is hereby amended to read as follows: 50-6,109c. (a) Any scrap metal dealer who violates any of the provisions of the scrap metal theft reduction act, in addition to any other penalty provided by law, may incur a civil penalty imposed pursuant to subsection (b) in an amount not less than \$100 nor more than \$5,000 for each violation.

(b) The attorney general, upon a finding that a scrap metal dealer or any employee or agent thereof or any person or entity required to be registered as a scrap metal dealer has violated any of the provisions of the scrap metal theft reduction act may impose a civil penalty as provided in this subsection upon such scrap metal dealer.

(c) A civil penalty shall not be imposed pursuant to this section except upon the written order of the attorney general to the scrap metal dealer who is responsible for the violation. Such order is a final order for purposes of judicial review and shall state the violation, the penalty to be imposed and the right of such dealer to appeal as provided in the Kansas judicial review act.

(d) This section shall be unenforceable and shall not apply from June 1, 2017, to ~~January~~ July 1, 2020.

Sec. 4. On and after July 1, 2020, K.S.A. 2018 Supp. 50-6,109c, as amended by section 3 of this act, is hereby amended to read as follows: 50-6,109c. (a) Any scrap metal dealer who violates any of the provisions of the scrap metal theft reduction act, in addition to any other penalty provided by law, may incur a civil penalty imposed pursuant to subsection (b) in an amount not less than \$100 nor more than \$5,000 for each violation.

(b) The attorney general, upon a finding that a scrap metal dealer or any employee

or agent thereof or any person or entity required to be registered as a scrap metal dealer has violated any of the provisions of the scrap metal theft reduction act may impose a civil penalty as provided in this subsection upon such scrap metal dealer.

(c) A civil penalty shall not be imposed pursuant to this section except upon the written order of the attorney general to the scrap metal dealer who is responsible for the violation. Such order is a final order for purposes of judicial review and shall state the violation, the penalty to be imposed and the right of such dealer to appeal as provided in the Kansas judicial review act.

~~(d) This section shall be unenforceable and shall not apply from June 1, 2017, to July 1, 2020.~~

Sec. 5. K.S.A. 2018 Supp. 50-6,110 is hereby amended to read as follows: 50-6,110. (a) It shall be unlawful for any person to sell any item or items of regulated scrap metal to a scrap metal dealer, or employee or agent of a dealer, in this state unless such person meets the requirements of this subsection.

(1) Such person shall present to such scrap metal dealer, or employee or agent of such dealer, at or before the time of sale, the following: The seller's name, address, sex, date of birth and the seller's driver's license, military identification card, passport or personal identification license. An official governmental document for a country other than the United States may be used to meet this requirement provided that a legible fingerprint is also obtained from the seller.

(2) Such person shall complete and sign the statement provided for in subsection (b)(10).

(b) Every scrap metal dealer shall keep a register in which the dealer, or employee or agent of the dealer, shall at the time of purchase or receipt of any item for which such information is required to be presented, cross-reference to previously received information, or accurately and legibly record at the time of sale the following information:

(1) The time, date and place of transaction;

(2) the seller's name, address, sex, date of birth and the identifying number from the seller's driver's license, military identification card, passport or personal identification license; the identifying number from an official governmental document for a country other than the United States may be used to meet this requirement provided that a legible fingerprint is also obtained from the seller;

(3) a copy of the identification card or document containing such identifying number. Failure to comply with the provisions of this paragraph between June 1, 2017, and ~~January~~ July 1, 2020, may result in an assessment of a civil penalty by the attorney general of not less than \$100 nor more than \$5,000 for each violation;

(4) the license number, color and style or make of any motor vehicle in which the junk vehicle or other regulated scrap metal property is delivered in a purchase transaction;

(5) a general description, made in accordance with the custom of the trade, of the predominant types of junk vehicle or other regulated scrap metal property purchased in the transaction;

(6) the weight, quantity or volume, made in accordance with the custom of the trade, of the regulated scrap metal property purchased;

(7) if a junk vehicle or vehicle part is being bought or sold, a description of the junk vehicle or vehicle part, including the make, model, color, vehicle identification number

and serial number if applicable;

(8) the price paid for, traded for or dealt for in a transaction for the junk vehicle or other regulated scrap metal property;

(9) the full name of the individual acting on behalf of the regulated scrap metal dealer in making the purchase; and

(10) a signed statement from the seller indicating from where the property was obtained and that: (A) Each item is the seller's own personal property, is free of encumbrances and is not stolen; or (B) the seller is acting for the owner and has permission to sell each item. If the seller is not the owner, such statement shall include the name and address of the owner of the property.

(c) Every scrap metal dealer shall photograph the item or lot of items being sold at the time of purchase or receipt of any item for which such information is required to be presented. Such photographs shall be kept with the record of the transaction and the scrap metal dealer's register of information required by subsection (b). Failure to comply with the provisions of this subsection between June 1, 2017, and ~~January~~ July 1, 2020, may result in an assessment of a civil penalty by the attorney general of not less than \$100 nor more than \$5,000 for each violation.

(d) The scrap metal dealer's register of information required by subsection (b), including copies of identification cards and signed statements by sellers, and photographs required by subsection (c) may be kept in electronic format.

(e) Every scrap metal dealer shall forward the information required by this section to the database described in K.S.A. 2018 Supp. 50-6,109a, and amendments thereto.

(f) Notwithstanding any other provision to the contrary, this section shall not apply to transactions in which the seller is a:

- (1) Registered scrap metal dealer;
- (2) vehicle dealer licensed under chapter 8 of the Kansas Statutes Annotated, and amendments thereto; or
- (3) scrap metal dealer or vehicle dealer registered or licensed in another state.

(g) (1) Except as provided in subsection (g)(2), this section shall not apply to transactions in which the seller is known to the purchasing scrap metal dealer to be a licensed business that operates out of a fixed business location and that can reasonably be expected to generate regulated scrap metal.

(2) The attorney general may determine, by rules and regulations, which of the requirements of this section shall apply to transactions described in subsection (g)(1).

(h) The amendments made to subsection (e) by section 13 of chapter 96 of the 2015 Session Laws of Kansas shall be unenforceable and shall not apply from June 1, 2017, to ~~January~~ July 1, 2020.

Sec. 6. On and after July 1, 2020, K.S.A. 2018 Supp. 50-6,110, as amended by section 5 of this act, is hereby amended to read as follows: 50-6,110. (a) It shall be unlawful for any person to sell any item or items of regulated scrap metal to a scrap metal dealer, or employee or agent of a dealer, in this state unless such person meets the requirements of this subsection.

(1) Such person shall present to such scrap metal dealer, or employee or agent of such dealer, at or before the time of sale, the following: The seller's name, address, sex, date of birth and the seller's driver's license, military identification card, passport or personal identification license. An official governmental document for a country other than the United States may be used to meet this requirement ~~provided that a legible~~

fingerprint is also obtained from the seller.

(2) Such person shall complete and sign the statement provided for in subsection (b)(10).

(b) Every scrap metal dealer shall keep a register in which the dealer, or employee or agent of the dealer, shall at the time of purchase or receipt of any item for which such information is required to be presented, cross-reference to previously received information, or accurately and legibly record at the time of sale the following information:

(1) The time, date and place of transaction;

(2) the seller's name, address, sex, date of birth and:

(A) The identifying number from the seller's driver's license, military identification card, passport or personal identification license; the identifying number from an official governmental document for a country other than the United States may be used to meet this requirement provided that a legible fingerprint is also obtained from the seller; or

(B) the identifying number from the seller's official governmental document for a country other than the United States;

(3) a copy of the identification card or document containing such identifying number. ~~Failure to comply with the provisions of this paragraph between June 1, 2017, and July 1, 2020, may result in an assessment of a civil penalty by the attorney general of not less than \$100 nor more than \$5,000 for each violation, unless the dealer has a copy of the card or document in the dealer's register from a prior transaction;~~

(4) the license number, color and style or make of any motor vehicle in which the junk vehicle or other regulated scrap metal property is delivered in a purchase transaction;

(5) a general description, made in accordance with the custom of the trade, of the predominant types of junk vehicle or other regulated scrap metal property purchased in the transaction;

(6) the weight, quantity or volume, made in accordance with the custom of the trade, of the regulated scrap metal property purchased;

(7) if a junk vehicle or vehicle part is being bought or sold, a description of the junk vehicle or vehicle part, including the make, model, color, vehicle identification number and serial number if applicable;

(8) the price paid for, traded for or dealt for in a transaction for the junk vehicle or other regulated scrap metal property;

(9) the full name of the individual acting on behalf of the regulated scrap metal dealer in making the purchase; and

(10) a signed statement from the seller indicating from where the property was obtained and that: (A) Each item is the seller's own personal property, is free of encumbrances and is not stolen; or (B) the seller is acting for the owner and has permission to sell each item. If the seller is not the owner, such statement shall include the name and address of the owner of the property.

(c) Every scrap metal dealer shall take one photograph of the item or lot of items being sold and one photograph of the vehicle in which the junk vehicle or other regulated scrap metal property is delivered at the time of purchase or receipt of any item for which such information is required to be presented. Such photographs shall be kept with the record of the transaction and the scrap metal dealer's register of information required by subsection (b). ~~Failure to comply with the provisions of this subsection~~

between June 1, 2017, and July 1, 2020, may result in an assessment of a civil penalty by the attorney general of not less than \$100 nor more than \$5,000 for each violation.

(d) The scrap metal dealer's register of information required by subsection (b), including copies of identification cards and signed statements by sellers, and photographs required by subsection (c) may be kept in electronic format.

(e) Every scrap metal dealer shall forward ~~the information required by this section~~ the Kansas bureau of investigation for each transaction to the database described in K.S.A. 2018 Supp. 50-6,109a, and amendments thereto, in the manner prescribed by the bureau within 72 hours after the transaction occurs. The Kansas bureau of investigation shall promulgate rules and regulations providing which information and photographs required to be collected by scrap metal dealers by subsections (b) and (c) shall be entered into the database and prescribing the manner for submitting such information and photographs to the bureau.

(f) Notwithstanding any other provision to the contrary, this section shall not apply to transactions in which the seller is a:

- (1) Registered scrap metal dealer;
- (2) vehicle dealer licensed under chapter 8 of the Kansas Statutes Annotated, and amendments thereto; or
- (3) scrap metal dealer or vehicle dealer registered or licensed in another state.

(g) (1) Except as provided in subsection (g)(2), this section shall not apply to transactions in which the seller is known to the purchasing scrap metal dealer to be a licensed business that operates out of a fixed business location and that can reasonably be expected to generate regulated scrap metal.

(2) The attorney general may determine, by rules and regulations, which of the requirements of this section shall apply to transactions described in subsection (g)(1).

~~(h) The amendments made to subsection (c) by section 13 of chapter 96 of the 2015 Session Laws of Kansas shall be unenforceable and shall not apply from June 1, 2017, to July 1, 2020.~~

Sec. 7. K.S.A. 2018 Supp. 50-6,111 is hereby amended to read as follows: 50-6,111. (a) It shall be unlawful for any such scrap metal dealer, or employee or agent of the dealer, to purchase any item or items of regulated scrap metal in a transaction for which K.S.A. 2018 Supp. 50-6,110, and amendments thereto, requires information to be presented by the seller, without demanding and receiving from the seller that information. Every scrap metal dealer shall file and maintain a record of information obtained in compliance with the requirements in K.S.A. 2018 Supp. 50-6,110, and amendments thereto. All records kept in accordance with the provisions of the scrap metal theft reduction act shall be open at all times to law enforcement officers and shall be kept for two years. If the required information is maintained in electronic format, the scrap metal dealer shall provide a printout of the information to law enforcement officers upon request.

(b) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to purchase any junk vehicle in a transaction for which K.S.A. 2018 Supp. 50-6,110, and amendments thereto, requires information to be presented by the seller, without:

- (1) Inspecting the vehicle offered for sale and recording the vehicle identification number; and
- (2) obtaining an appropriate bill of sale issued by a governmentally operated

vehicle impound facility if the vehicle purchased has been impounded by such facility or agency.

(c) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to purchase or receive any regulated scrap metal from a minor unless such minor is accompanied by a parent or guardian or such minor is a licensed scrap metal dealer.

(d) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to purchase any of the following items without obtaining proof that the seller is an employee, agent or person who is authorized to sell the item on behalf of the governmental entity; utility provider; railroad; cemetery; civic organization; manufacturing, industrial or other commercial vendor that generates or sells such items in the regular course of business; or scrap metal dealer:

- (1) Utility access cover;
- (2) street light poles or fixtures;
- (3) road or bridge guard rails;
- (4) highway or street sign;
- (5) water meter cover;
- (6) traffic directional or traffic control signs;
- (7) traffic light signals;
- (8) any metal marked with any form of the name or initials of a governmental entity;
- (9) property owned and marked by a telephone, cable, electric, water or other utility provider;
- (10) property owned and marked by a railroad;
- (11) funeral markers or vases;
- (12) historical markers;
- (13) bales of regulated metal;
- (14) beer kegs;
- (15) manhole covers;
- (16) fire hydrants or fire hydrant caps;
- (17) junk vehicles with missing or altered vehicle identification numbers;
- (18) real estate signs;
- (19) bleachers or risers, in whole or in part;
- (20) twisted pair copper telecommunications wiring of 25 pair or greater existing in 19, 22, 24 or 26 gauge; and
- (21) burnt wire.

(e) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to sell, trade, melt or crush, or in any way dispose of, alter or destroy any regulated scrap metal, junk vehicle or vehicle part upon notice from any law enforcement agency, or any of their agents or employees, that they have cause to believe an item has been stolen. A scrap metal dealer shall hold any of the items that are designated by or on behalf of the law enforcement agency for 30 days, exclusive of weekends and holidays.

(f) Failure to comply with the provisions of this section between June 1, 2017, and ~~January~~ July 1, 2020, may result in an assessment of a civil penalty by the attorney general of not less than \$100 nor more than \$5,000 for each violation.

Sec. 8. On and after July 1, 2020, K.S.A. 2018 Supp. 50-6,111, as amended by section 7 of this act, is hereby amended to read as follows: 50-6,111. (a) It shall be

unlawful for any such scrap metal dealer, or employee or agent of the dealer, to purchase any item or items of regulated scrap metal in a transaction for which K.S.A. 2018 Supp. 50-6,110, and amendments thereto, requires information to be presented by the seller, without demanding and receiving from the seller that information. Every scrap metal dealer shall file and maintain a record of information obtained in compliance with the requirements in K.S.A. 2018 Supp. 50-6,110, and amendments thereto. All records kept in accordance with the provisions of the scrap metal theft reduction act shall be open at all times to law enforcement officers and shall be kept for two years. If the required information is maintained in electronic format, the scrap metal dealer shall provide a printout of the information to law enforcement officers upon request.

(b) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to purchase any junk vehicle in a transaction for which K.S.A. 2018 Supp. 50-6,110, and amendments thereto, requires information to be presented by the seller, without:

(1) Inspecting the vehicle offered for sale and recording the vehicle identification number; and

(2) obtaining an appropriate bill of sale issued by a governmentally operated vehicle impound facility if the vehicle purchased has been impounded by such facility or agency.

(c) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to purchase or receive any regulated scrap metal from a minor unless such minor is accompanied by a parent or guardian or such minor is a licensed scrap metal dealer.

(d) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to purchase any of the following items without obtaining proof that the seller is an employee, agent or person who is authorized to sell the item on behalf of the governmental entity; utility provider; railroad; cemetery; civic organization; manufacturing, industrial or other commercial vendor that generates or sells such items in the regular course of business; or scrap metal dealer:

- (1) Utility access cover;
- (2) street light poles or fixtures;
- (3) road or bridge guard rails;
- (4) highway or street sign;
- (5) water meter cover;
- (6) traffic directional or traffic control signs;
- (7) traffic light signals;
- (8) any metal marked with any form of the name or initials of a governmental entity;
- (9) property owned and marked by a telephone, cable, electric, water or other utility provider;
- (10) property owned and marked by a railroad;
- (11) funeral markers or vases;
- (12) historical markers;
- (13) bales of regulated metal;
- (14) beer kegs;
- (15) manhole covers;
- (16) fire hydrants or fire hydrant caps;

- (17) junk vehicles with missing or altered vehicle identification numbers;
- (18) real estate signs;
- (19) bleachers or risers, in whole or in part;
- (20) twisted pair copper telecommunications wiring of 25 pair or greater existing in 19, 22, 24 or 26 gauge; and
- (21) burnt wire.

(e) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to sell, trade, melt or crush, or in any way dispose of, alter or destroy any regulated scrap metal, junk vehicle or vehicle part upon notice from any law enforcement agency, or any of their agents or employees, that they have cause to believe an item has been stolen. A scrap metal dealer shall hold any of the items that are designated by or on behalf of the law enforcement agency for 30 days, exclusive of weekends and holidays.

~~(f) Failure to comply with the provisions of this section between June 1, 2017, and July 1, 2020, may result in an assessment of a civil penalty by the attorney general of not less than \$100 nor more than \$5,000 for each violation.~~

Sec. 9. K.S.A. 2018 Supp. 50-6,112a is hereby amended to read as follows: 50-6,112a. (a) A scrap metal dealer shall not purchase any regulated scrap metal without having first registered each place of business with the attorney general as herein provided.

(b) The attorney general shall establish a system for the public to confirm scrap metal dealer registration certificates. Such system shall include a listing of valid registration certificates and such other information collected pursuant to the scrap metal theft reduction act, as the attorney general may determine is appropriate. Disclosure of any information through use of the system established by the attorney general shall not be deemed to be an endorsement of any scrap metal dealer or determination of any facts, qualifications, information or reputation of any scrap metal dealer by the attorney general, the state, or any of their respective agents, officers, employees or assigns.

(c) A registration for a scrap metal dealer shall be verified and upon a form approved by the attorney general and contain:

(1) (A) The name and residence of the applicant, including all previous names and aliases; or

(B) if the applicant is a: Corporation, the name and address of each manager, officer or director thereof, and each stockholder owning in the aggregate more than 25% of the stock of such corporation; or partnership or limited liability company, the name and address of each partner or member;

(2) the length of time that the applicant has resided within the state of Kansas and a list of all residences outside the state of Kansas during the previous 10 years;

(3) the particular place of business for which a registration is desired, the name of the business, the address where the business is to be conducted, the hours of operation and the days of the week during which the applicant proposes to engage in business;

(4) the name of the owner of the premises upon which the place of business is located; and

(5) the applicant shall disclose any prior convictions within 10 years immediately preceding the date of making the registration for: A violation of article 37 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or K.S.A. 2018 Supp. 21-5801 through 21-5839 or K.S.A. 2018 Supp. 21-6412(a)(6), and amendments thereto; perjury,

K.S.A. 21-3805, prior to its repeal, or K.S.A. 2018 Supp. 21-5903, and amendments thereto; compounding a crime, K.S.A. 21-3807, prior to its repeal; obstructing legal process or official duty, K.S.A. 21-3808, prior to its repeal; falsely reporting a crime, K.S.A. 21-3818, prior to its repeal; interference with law enforcement, K.S.A. 2018 Supp. 21-5904, and amendments thereto; interference with judicial process, K.S.A. 2018 Supp. 21-5905, and amendments thereto; or any crime involving dishonesty or false statement or any substantially similar offense pursuant to the laws of any city, state or of the United States.

(d) Each registration for a scrap metal dealer to purchase regulated scrap metal shall be accompanied by a fee of not less than \$500 nor more than \$1,500, as prescribed by the attorney general for each particular place of business for which a registration is desired.

(e) The attorney general shall accept a registration for a scrap metal dealer as otherwise provided for herein, from any scrap metal dealer qualified to file such registration, to purchase regulated scrap metals. Such registration shall be issued for a period of one year.

(f) If an original registration is accepted, the attorney general shall grant and issue renewals thereof upon application of the registration holder, if the registration holder is qualified to receive the same and the registration has not been revoked as provided by law. The renewal fee shall be not more than \$1,500, as prescribed by the attorney general.

(g) Any registration issued under the scrap metal theft reduction act shall not be transferable.

(h) This section shall not apply to a business licensed under the provisions of K.S.A. 8-2404, and amendments thereto, unless such business buys or recycles regulated scrap metal that are not motor vehicle components.

(i) The amendments made to subsections (d) and (f) by section 15 of chapter 96 of the 2015 Session Laws of Kansas shall be unenforceable and shall not apply from June 1, 2017, to ~~January~~ July 1, 2020.

Sec. 10. On and after July 1, 2020, K.S.A. 2018 Supp. 50-6,112a, as amended by section 9 of this act, is hereby amended to read as follows: 50-6,112a. (a) A scrap metal dealer shall not purchase any regulated scrap metal without having first registered each place of business with the attorney general as herein provided.

(b) The attorney general shall establish a system for the public to confirm scrap metal dealer registration certificates. Such system shall include a listing of valid registration certificates and such other information collected pursuant to the scrap metal theft reduction act, as the attorney general may determine is appropriate. Disclosure of any information through use of the system established by the attorney general shall not be deemed to be an endorsement of any scrap metal dealer or determination of any facts, qualifications, information or reputation of any scrap metal dealer by the attorney general, the state, or any of their respective agents, officers, employees or assigns.

(c) A registration for a scrap metal dealer shall be verified and upon a form approved by the attorney general and contain:

(1) (A) The name and residence of the applicant, including all previous names and aliases; or

(B) if the applicant is a: Corporation, the name and address of each manager, officer or director thereof, and each stockholder owning in the aggregate more than 25%

of the stock of such corporation; or partnership or limited liability company, the name and address of each partner or member;

(2) the length of time that the applicant has resided within the state of Kansas and a list of all residences outside the state of Kansas during the previous 10 years;

(3) the particular place of business for which a registration is desired, the name of the business, the address where the business is to be conducted, the hours of operation and the days of the week during which the applicant proposes to engage in business;

(4) the name of the owner of the premises upon which the place of business is located; and

(5) the applicant shall disclose any prior convictions within 10 years immediately preceding the date of making the registration for: A violation of article 37 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or K.S.A. 2018 Supp. 21-5801 through 21-5839 or K.S.A. 2018 Supp. 21-6412(a)(6), and amendments thereto; perjury, K.S.A. 21-3805, prior to its repeal, or K.S.A. 2018 Supp. 21-5903, and amendments thereto; compounding a crime, K.S.A. 21-3807, prior to its repeal; obstructing legal process or official duty, K.S.A. 21-3808, prior to its repeal; falsely reporting a crime, K.S.A. 21-3818, prior to its repeal; interference with law enforcement, K.S.A. 2018 Supp. 21-5904, and amendments thereto; interference with judicial process, K.S.A. 2018 Supp. 21-5905, and amendments thereto; or any crime involving dishonesty or false statement or any substantially similar offense pursuant to the laws of any city, state or of the United States.

(d) On and after July 1, 2020, each registration for a scrap metal dealer to purchase regulated scrap metal shall be accompanied by a fee of not ~~less~~ more than \$500 ~~or more than \$1,500~~, as prescribed by the attorney general, for each particular place of business for which a registration is desired.

(e) The attorney general shall accept a registration for a scrap metal dealer as otherwise provided for herein, from any scrap metal dealer qualified to file such registration, to purchase regulated scrap metals. Such registration shall be issued for a period of one year.

(f) On and after July 1, 2020, if an original registration is accepted, the attorney general shall grant and issue renewals thereof upon application of the registration holder, if the registration holder is qualified to receive the same and the registration has not been revoked as provided by law. The renewal fee shall be not more than ~~\$1,500~~ \$500, as prescribed by the attorney general.

(g) Any registration issued under the scrap metal theft reduction act shall not be transferable.

(h) This section shall not apply to a business licensed under the provisions of K.S.A. 8-2404, and amendments thereto, unless such business buys or recycles regulated scrap metal that are not motor vehicle components.

~~(i) The amendments made to subsections (d) and (f) by section 15 of chapter 96 of the 2015 Session Laws of Kansas shall be unenforceable and shall not apply from June 1, 2017, to July 1, 2020.~~

Sec. 11. K.S.A. 2018 Supp. 50-6,112b is hereby amended to read as follows: 50-6,112b. (a) After examining the information contained in a filing for a scrap metal dealer registration and determining the registration meets the statutory requirements for such registration, the attorney general shall accept such filing and the scrap metal dealer shall be deemed to be properly registered.

- (b) No scrap metal registration shall be accepted for:
- (1) A person who is not a citizen or legal permanent resident of the United States.
 - (2) A person who is under 18 years of age and whose parents or legal guardians have been convicted of a felony or other crime which would disqualify a person from registration under this section and such crime was committed during the time that such parents or legal guardians held a registration under the scrap metal theft reduction act.
 - (3) A person who, within 10 years immediately preceding the date of filing, has pled guilty to, entered into a diversion agreement for, been convicted of, released from incarceration for or released from probation or parole for committing, attempting to commit, or conspiring to commit a violation of: Article 37 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or K.S.A. 2018 Supp. 21-5801 through 21-5839 or K.S.A. 2018 Supp. 21-6412(a)(6), and amendments thereto; perjury, K.S.A. 21-3805, prior to its repeal, or K.S.A. 2018 Supp. 21-5903, and amendments thereto; compounding a crime, K.S.A. 21-3807, prior to its repeal; obstructing legal process or official duty, K.S.A. 21-3808, prior to its repeal; falsely reporting a crime, K.S.A. 21-3818, prior to its repeal; interference with law enforcement, K.S.A. 2018 Supp. 21-5904, and amendments thereto; interference with judicial process, K.S.A. 2018 Supp. 21-5905, and amendments thereto; or any crime involving dishonesty or false statement or any substantially similar offense pursuant to the laws of any city, state or of the United States.
 - (4) A person who within the 10 years immediately preceding the date of registration held a scrap metal dealer registration which was revoked, or managed a facility for a scrap metal dealer whose registration was revoked, or was an employee whose conduct led to or contributed to the revocation of such registration.
 - (5) A person who makes a materially false statement on the registration application or has made a materially false statement on a registration or similar filing within the last 10 years.
 - (6) A partnership or limited liability company, unless all partners or members of the partnership or limited liability company are otherwise qualified to file a registration.
 - (7) A corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, would be ineligible to receive a license hereunder for any reason.
 - (8) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses all of the qualifications for registration.
 - (9) A person whose spouse has been convicted of a felony or other crime which would disqualify a person from registration under this section and such crime was committed during the time that the spouse held a registration under the scrap metal theft reduction act.
 - (10) A person who does not own the premises upon which the place of business is located for which a license is sought, unless the person has a written lease for at least $\frac{3}{4}$ of the period for which the license is to be issued.

(c) Any person filing a scrap metal dealer registration may be subject to a criminal history records check and may be given a written notice that a criminal history records check is required. The attorney general may require such applicant to be fingerprinted and submit to a state and national criminal history record check. If required, such fingerprints shall be used to identify the applicant and to determine whether the applicant has a record of criminal history in this state or another jurisdiction. The

attorney general shall submit any fingerprints provided to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. Local and state law enforcement officers and agencies shall assist the attorney general in the taking and processing of fingerprints of applicants. The attorney general may use the information obtained from fingerprinting and the criminal history for purposes of verifying the identification of the applicant and in the official determination of whether the scrap metal dealer registration shall be accepted. If the criminal history record information is used to disqualify an applicant, the applicant shall be informed in writing of that decision.

(d) The amendments made to subsections (b)(10) and (c) by section 16 of chapter 96 of the 2015 Session Laws of Kansas shall be unenforceable and shall not apply from June 1, 2017, to ~~January~~ July 1, 2020.

Sec. 12. On and after July 1, 2020, K.S.A. 2018 Supp. 50-6,112b, as amended by section 11 of this act, is hereby amended to read as follows: 50-6,112b. (a) After examining the information contained in a filing for a scrap metal dealer registration and determining the registration meets the statutory requirements for such registration, the attorney general shall accept such filing and the scrap metal dealer shall be deemed to be properly registered.

(b) No scrap metal registration shall be accepted for:

(1) A person who is not a citizen or legal permanent resident of the United States.
(2) A person who is under 18 years of age and whose parents or legal guardians have been convicted of a felony or other crime ~~which that~~ would disqualify a person from registration under this section and such crime was committed during the time that such parents or legal guardians held a registration under the scrap metal theft reduction act.

(3) A person who, within 10 years immediately preceding the date of filing, has pled guilty to, entered into a diversion agreement for, been convicted of, released from incarceration for or released from probation or parole for committing, attempting to commit, or conspiring to commit a violation of: Article 37 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or K.S.A. 2018 Supp. 21-5801 through 21-5839 or K.S.A. 2018 Supp. 21-6412(a)(6), and amendments thereto; perjury, K.S.A. 21-3805, prior to its repeal, or K.S.A. 2018 Supp. 21-5903, and amendments thereto; compounding a crime, K.S.A. 21-3807, prior to its repeal; obstructing legal process or official duty, K.S.A. 21-3808, prior to its repeal; falsely reporting a crime, K.S.A. 21-3818, prior to its repeal; interference with law enforcement, K.S.A. 2018 Supp. 21-5904, and amendments thereto; interference with judicial process, K.S.A. 2018 Supp. 21-5905, and amendments thereto; or any crime involving dishonesty or false statement or any substantially similar offense pursuant to the laws of any city, state or of the United States.

(4) A person who within the 10 years immediately preceding the date of registration held a scrap metal dealer registration ~~which that~~ was revoked, or managed a facility for a scrap metal dealer whose registration was revoked, or was an employee whose conduct led to or contributed to the revocation of such registration.

(5) A person who makes a materially false statement on the registration application or has made a materially false statement on a registration or similar filing within the last 10 years.

(6) A partnership or limited liability company, unless all partners or members of the

partnership or limited liability company are otherwise qualified to file a registration.

(7) A corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, would be ineligible to receive a license hereunder for any reason.

(8) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses all of the qualifications for registration.

(9) A person whose spouse has been convicted of a felony or other crime ~~which~~ that would disqualify a person from registration under this section and such crime was committed during the time that the spouse held a registration under the scrap metal theft reduction act.

(10) A person who does not own the premises upon which the place of business is located for which a license is sought, unless the person has a written lease for at least $\frac{3}{4}$ of the period for which the license is to be issued.

~~(e) Any person filing a scrap metal dealer registration may be subject to a criminal history records check and may be given a written notice that a criminal history records check is required. The attorney general may require such applicant to be fingerprinted and submit to a state and national criminal history record check. If required, such fingerprints shall be used to identify the applicant and to determine whether the applicant has a record of criminal history in this state or another jurisdiction. The attorney general shall submit any fingerprints provided to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. Local and state law enforcement officers and agencies shall assist the attorney general in the taking and processing of fingerprints of applicants. The attorney general may use the information obtained from fingerprinting and the criminal history for purposes of verifying the identification of the applicant and in the official determination of whether the scrap metal dealer registration shall be accepted. If the criminal history record information is used to disqualify an applicant, the applicant shall be informed in writing of that decision.~~

~~(d) The amendments made to subsections (b)(10) and (e) by section 16 of chapter 96 of the 2015 Session Laws of Kansas shall be unenforceable and shall not apply from June 1, 2017, to July 1, 2020."~~

New Sec. 13. (a) The provisions of the scrap metal theft reduction act shall expire on July 1, 2023.

(b) This section shall be a part of and supplemental to the scrap metal theft reduction act.

Sec. 14. K.S.A. 2018 Supp. 50-624 is hereby amended to read as follows: 50-624. As used in this act:

(a) "Agricultural purpose" means a purpose related to the production, harvest, exhibition, marketing, transportation, processing or manufacture of agricultural products by a consumer who cultivates, plants, propagates or nurtures the agricultural products. "Agricultural products" includes agricultural, horticultural, viticultural, and dairy products, livestock, wildlife, poultry, bees, forest products, fish and shellfish, and any products thereof, including processed and manufactured products, and any and all products raised or produced on farms and any processed or manufactured products thereof.

(b) "Consumer" means an individual, husband and wife, sole proprietor, or family partnership who seeks or acquires property or services for personal, family, household,

business or agricultural purposes.

(c) "Consumer transaction" means a sale, lease, assignment or other disposition for value of property or services within this state ~~(, except insurance contracts regulated under state law),~~ to a consumer; or a solicitation by a supplier with respect to any of these dispositions. "Consumer transaction" does not include the disposition of repossessed collateral by any supplier that is subject to and compliant with any state or federal law or rules and regulations with regard to disposition of such repossessed collateral.

(d) "Family partnership" means a partnership in which all of the partners are natural persons related to each other, all of whom have a common ancestor within the third degree of relationship, by blood or by adoption, or the spouses or the stepchildren of any such persons, or persons acting in a fiduciary capacity for persons so related.

(e) "Final judgment" means a judgment, including any supporting opinion, that determines the rights of the parties and concerning which appellate remedies have been exhausted or the time for appeal has expired.

(f) "Lender" means a bank, savings and loan association, savings bank, credit union, finance company, mortgage bank, mortgage broker and any affiliate.

(g) "Merchantable" means, in addition to the qualities prescribed in K.S.A. 84-2-314, and amendments thereto, in conformity in all material respects with applicable state and federal statutes and regulations establishing standards of quality and safety.

(h) "Mortgage trigger lead" means a consumer report obtained pursuant to section 604(c)(1)(B) of the federal fair credit reporting act, 15 U.S.C. § 1681b, where the issuance of the report is triggered by an inquiry made with a consumer reporting agency in response to an application for credit. Any consumer report on an applicant obtained by a lender with whom the applicant has initially applied for credit or who holds or services an existing extension of credit of the applicant who is the subject of the report is not considered a mortgage trigger lead.

(i) "Person" means any individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership, association, cooperative or other legal entity.

(j) "Property" includes real estate, goods and intangible personal property.

(k) "Services" includes:

(1) Work, labor and other personal services;

(2) privileges with respect to transportation, hotel and restaurant accommodations, education, entertainment, recreation, physical culture, hospital accommodations, funerals and cemetery accommodations; and

(3) any other act performed for a consumer by a supplier.

(l) "Supplier" means a manufacturer, distributor, dealer, seller, lessor, assignor, or other person who, in the ordinary course of business, solicits, engages in or enforces consumer transactions, whether or not dealing directly with the consumer. ~~Supplier does not include any bank, trust company or lending institution which is subject to state or federal regulation with regard to disposition of repossessed collateral by such bank, trust company or lending institution."~~

Also on page 2, in line 34, by striking "8-15,100 and 8-15,109" and inserting "50-624, 50-6,109a, 50-6,109c, 50-6,110, 50-6,111, 50-6,112a and 50-6,112b";

Also on page 2, following line 35, by inserting:

"Sec. 16. On and after July 1, 2020, K.S.A. 2018 Supp. 50-6,109a, as amended by

section 1 of this act, 50-6,109c, as amended by section 3 of this act, 50-6,110, as amended by section 5 of this act, 50-6,111, as amended by section 7 of this act, 50-6,112a, as amended by section 9 of this act, and 50-6,112b, as amended by section 11 of this act, are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking line 2; in line 3, by striking all before the semicolon and inserting "consumer protection; relating to the scrap metal theft reduction act; delay of implementation; creating the scrap metal data repository fund; scrap metal transaction requirements; dealer registration; Kansas consumer protection act; definitions of consumer transaction and supplier";

Also on page 1, in the title, in line 4, by striking "8-15,100 and 8-15,109" and inserting "50-624, 50-6,109a, 50-6,109a, as amended by section 1 of this act, 50-6,109c, 50-6,109c, as amended by section 3 of this act, 50-6,110, 50-6,110, as amended by section 5 of this act, 50-6,111, 50-6,111, as amended by section 7 of this act, 50-6,112a, 50-6,112a, as amended by section 9 of this act, 50-6,112b and 50-6,112b, as amended by section 11 of this act,";

And your committee on conference recommends the adoption of this report.

RICHARD WILBORN

ERIC RUCKER

VIC MILLER

Conferees on part of Senate

FRED PATTON

BRAD RALPH

JOHN CARMICHAEL

Conferees on part of House

Senator Wilborn moved the Senate adopt the Conference Committee Report on **HB 2248**.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 1; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Wagle, Ware, Wilborn.

Present and Passing: Tyson.

The Conference Committee Report was adopted.

On motion of Senator Denning, the Senate recessed to the sound of the gavel.

The Senate met pursuant to recess with President Wagle in the chair.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2140**.

The House adopts the Conference Committee report on **HB 2033**.

The House adopts the Conference Committee report on **SB 28**.

The House adopts the Conference Committee report on **SB 53**.

The House adopts the Conference Committee report to agree to disagree on **HB 2160**, and has appointed Representatives Johnson, Mason and Gartner as second conferees on the part of the House.

On motion of Senator Denning, the Senate recessed to the sound of the gavel.

The Senate met pursuant to recess with President Wagle in the chair.

ORIGINAL MOTION

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 28**, **SB 53**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 28** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 2, by striking all in lines 30 through 43;

By striking all on page 3;

On page 4, by striking all in lines 1 through 25 and inserting:

"New Section 1. (a) This section shall be known and may be cited as Claire and Lola's law.

(b) As used in this section and K.S.A. 2018 Supp. 21-5706, and amendments thereto:

(1) "Cannabidiol treatment preparation" means an oil containing cannabidiol (other trade name: 2-[(3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol)) and tetrahydrocannabinol, as described in K.S.A. 65-4105, and amendments thereto, and having a tetrahydrocannabinol concentration of no more than 5% relative to the cannabidiol concentration in the preparation, verified through testing by a third-party, independent laboratory.

(2) "Debilitating medical condition" means a medically diagnosed chronic disease or medical condition causing a serious impairment of strength or ability to function, including one that produces seizures, for which the patient is under current and active treatment by a physician licensed to practice medicine and surgery in Kansas.

(3) "Tetrahydrocannabinol concentration" means the combined percentage of tetrahydrocannabinol and its optical isomers, their salts and acids and salts of their acids, reported as free tetrahydrocannabinol on a percent by weight basis.

(4) "Third-party, independent laboratory" means an organization:

(A) That is accredited to ISO/IEC 17025 of the international organization for standardization and the international electrotechnical commission by an accreditation body that is a signatory of a multilateral recognition arrangement with the international accreditation forum, international laboratory accreditation cooperation or other similar body;

(B) whose scope of accreditation includes testing for cannabinoid potency; and
 (C) that is not affiliated with the producer of the item being tested.
 (c) No agency of this state or political subdivision thereof shall initiate proceedings to remove a child from the home of the child's parent or guardian or initiate any child protection action or proceeding based solely upon the parent's or the child's possession or use of cannabidiol treatment preparation in accordance with the provisions of K.S.A. 2018 Supp. 21-5706(d), and amendments thereto.

(d) Nothing in this section shall be construed to require the Kansas medical assistance program or any individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical corporation contract, fraternal benefit society or health maintenance organization that provides coverage for accident and health services and that is delivered, issued for delivery, amended or renewed on or after July 1, 2019, to provide payment or reimbursement for any cannabidiol treatment preparation.

(e) Nothing in this section shall be construed to allow the possession, sale, production, redistribution or use of any other form of cannabis.

Sec. 2. K.S.A. 2018 Supp. 21-5706 is hereby amended to read as follows: 21-5706.
 (a) It shall be unlawful for any person to possess any opiates, opium or narcotic drugs, or any stimulant designated in K.S.A. 65-4107(d)(1), (d)(3) or (f)(1), and amendments thereto, or a controlled substance analog thereof.

(b) It shall be unlawful for any person to possess any of the following controlled substances or controlled substance analogs thereof:

(1) Any depressant designated in K.S.A. 65-4105(e), ~~K.S.A. 65-4107(e), K.S.A. 65-4109(b) or (c) or K.S.A. 65-4111(b)~~, and amendments thereto;

(2) any stimulant designated in K.S.A. 65-4105(f), ~~K.S.A. 65-4107(d)(2), (d)(4), (d)(5) or (f)(2) or K.S.A. 65-4109(e)~~, and amendments thereto;

(3) any hallucinogenic drug designated in K.S.A. 65-4105(d), ~~K.S.A. 65-4107(g) or K.S.A. 65-4109(g)~~, and amendments thereto;

(4) any substance designated in K.S.A. 65-4105(g) and ~~K.S.A. 65-4111(c), (d), (e), (f) or (g)~~, and amendments thereto;

(5) any anabolic steroids as defined in K.S.A. 65-4109(f), and amendments thereto;

(6) any substance designated in K.S.A. 65-4113, and amendments thereto; or

(7) any substance designated in K.S.A. 65-4105(h), and amendments thereto.

(c) (1) Violation of subsection (a) is a drug severity level 5 felony.

(2) Except as provided in subsection (c)(3):

(A) Violation of subsection (b) is a class A nonperson misdemeanor, except as provided in ~~subsection (e)(2) subparagraph (B)~~; and

(B) violation of subsection (b)(1) through (b)(7) is a drug severity level 5 felony if that person has a prior conviction under such subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially similar offense from another jurisdiction, or under any city ordinance or county resolution for a substantially similar offense if the substance involved was 3, 4-methylenedioxymethamphetamine (MDMA), marijuana as designated in K.S.A. 65-4105(d), and amendments thereto, or any substance designated in K.S.A. 65-4105(h), and amendments thereto, or an analog thereof.

(3) If the substance involved is marijuana, as designated in K.S.A. 65-4105(d), and amendments thereto, or tetrahydrocannabinols, as designated in K.S.A. 65-4105(h), and amendments thereto, violation of subsection (b) is a:

(A) Class B nonperson misdemeanor, except as provided in subparagraphs ~~(e)(3)~~ (B) and ~~(e)(3)~~(C);

(B) class A nonperson misdemeanor if that person has a prior conviction under such subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially similar offense from another jurisdiction, or under any city ordinance or county resolution for a substantially similar offense; and

(C) drug severity level 5 felony if that person has two or more prior convictions under such subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially similar offense from another jurisdiction, or under any city ordinance or county resolution for a substantially similar offense.

(d) It shall be an affirmative defense to prosecution under this section arising out of a person's possession of any cannabidiol treatment preparation if the person:

(1) Has a debilitating medical condition, as defined in section 1, and amendments thereto, or is the parent or guardian of a minor child who has such debilitating medical condition;

(2) is possessing a cannabidiol treatment preparation, as defined in section 1, and amendments thereto, that is being used to treat such debilitating medical condition; and

(3) has possession of a letter, at all times while the person has possession of the cannabidiol treatment preparation, that:

(A) Shall be shown to a law enforcement officer on such officer's request;

(B) is dated within the preceding 15 months and signed by the physician licensed to practice medicine and surgery in Kansas who diagnosed the debilitating medical condition;

(C) is on such physician's letterhead; and

(D) identifies the person or the person's minor child as such physician's patient and identifies the patient's debilitating medical condition.

~~(4)(e)~~ It shall not be a defense to charges arising under this section that the defendant was acting in an agency relationship on behalf of any other party in a transaction involving a controlled substance or controlled substance analog.

Sec. 3. K.S.A. 65-2002 is hereby amended to read as follows: 65-2002. (a) It shall be unlawful for any person to profess to be a podiatrist, to practice or assume the duties incidental to podiatry, to advertise or hold oneself out to the public as a podiatrist, or to use any sign or advertisement with the word or words podiatrist, foot specialist, foot correctionist, foot expert, practapedist or chiropodist, or any other term or terms indicating that such person is a podiatrist or that such person practices or holds oneself out as practicing podiatry or foot correction in any manner, without first obtaining from the board a license authorizing the practice of podiatry in this state, except as hereinafter provided.

(b) A licensed podiatrist shall be authorized to prescribe such drugs or medicine, and to perform such surgery on the human foot, ankle and tendons that insert into the foot, including amputation of the toes or part of the foot, as may be necessary to the proper practice of podiatry, but no podiatrist shall amputate the human foot or administer any anesthetic other than local.

(c) This act shall not prohibit the recommendation, advertising, fitting or sale of corrective shoes, arch supports, or similar mechanical appliances, or foot remedies by manufacturers, wholesalers or retail dealers.

(d) No podiatrist shall perform surgery on the ankle unless such person has

completed a two-year post-doctoral surgical residency program prior to July 1, 2007, or a three-year post-doctoral surgical residency program on or after July 1, 2007, in reconstructive rearfoot/ankle surgery and is either board-certified or board qualified progressing to board certification in reconstructive rearfoot/ankle surgery by a nationally recognized certifying organization acceptable to the board. Surgical treatment of the ankle by a podiatrist shall be performed only in a medical care facility, as defined in K.S.A. 65-425, and amendments thereto.

~~(e) Not later than 90 days after the effective date of this act, the board shall appoint a five-member committee to be known as the podiatry interdisciplinary advisory committee. Such committee shall advise and make recommendations to the board on matters relating to licensure of podiatrists to perform surgery on the ankle pursuant to subsection (d). The podiatry interdisciplinary advisory committee shall consist of five members:~~

~~(1) One member of the board appointed by the board who shall serve as a nonvoting chairperson;~~

~~(2) two persons licensed to practice medicine and surgery specializing in orthopedics, chosen by the board from four names submitted by the Kansas medical society; and~~

~~(3) two podiatrists, at least one of whom shall have completed an accredited residency in foot and ankle surgery, chosen by the board from four names submitted by the Kansas podiatric medical association.~~

~~Members appointed to such committee shall serve at the pleasure of the board without compensation. All expenses of the committee shall be paid by the board. The provisions of this subsection shall expire on July 1, 2018.";~~

Also on page 4, in line 26, before "K.S.A" by inserting "K.S.A. 65-2002 and"; also in line 26, by striking "40-2,118 and 40-2,118a" and inserting "21-5706";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; in line 2, by striking all before the second semicolon and inserting "health and healthcare; relating to the use of cannabidiol with tetrahydrocannabinol to treat certain medical conditions; affirmative defense to prosecution for possession; practice of podiatry; qualifications"; also in line 2, after "amending" by inserting "K.S.A. 65-2002 and"; in line 3, by striking "40-2,118" and inserting "21-5706"; in line 4 by striking ";also repealing K.S.A. 2018 Supp. 40-2,118a";

And your committee on conference recommends the adoption of this report.

FRED PATTON

BRAD RALPH

JOHN CARMICHAEL

Conferees on part of House

GENE SUELLENTROP

ED BERGER

Conferees on part of Senate

Senator Suellentrop moved the Senate adopt the Conference Committee Report on **SB 28**.

Senator Olson made a substitute motion to not adopt the Conference Committee Report and a new conference committee be appointed. The motion failed.

Senator Suellentrop moved the Senate adopt the Conference Committee Report on **SB 28**.

On roll call, the vote was: Yeas 27; Nays 8; Present and Passing 5; Absent or Not Voting 0.

Yeas: Berger, Billinger, Bowers, Doll, Faust-Goudeau, Givens, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Petersen, Pettey, Skubal, Suellentrop, Sykes, Taylor, Wagle, Ware, Wilborn.

Nays: Alley, Bollier, Denning, Estes, Olson, Pilcher-Cook, Pyle, Rucker.

Present and Passing: Baumgardner, Braun, Francisco, Goddard, Tyson.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 53** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 1, by striking all in lines 6 through 9; following line 9, by inserting:

"New Section 1. (a) (1) There is hereby created the designation of inactive certificate. The board is authorized to issue an inactive certificate to any person currently certified by the board who makes written application for such inactive certificate on a form provided by the board and remits the fee established by the board in rules and regulations. The board may issue an inactive certificate only to a person who is not directly engaged in the provision of emergency medical services for which certification is required and who does not hold oneself out to the public as being professionally engaged in the provision of emergency medical services. An inactive certificate shall not entitle the holder to engage in the practice of emergency medical services. Each inactive certificate may be renewed subject to the provisions of this section. Each inactive certificate holder shall be subject to the provisions of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, except as otherwise provided in this subsection. The holder of an inactive certificate shall not be required to submit evidence of satisfactory completion of the continuing education requirement prescribed by the board.

(b) Each inactive certificate holder may apply for an active certificate upon filing a written application with the board. The request shall be on a form provided by the board and shall be accompanied by a fee prescribed by the board in rules and regulations. The inactive certificate holder may be required to complete such additional testing, training or education as the board may deem necessary to establish the inactive certificate holder's current ability to engage in the provision of emergency medical services with reasonable skill and safety.

(c) This section shall be a part of and supplemental to article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 2. K.S.A. 2018 Supp. 8-1,159 is hereby amended to read as follows: 8-1,159.

(a) On and after January 1, 2008, any owner or lessee of one or more passenger vehicles, trucks of a gross weight of 20,000 pounds or less or motorcycles, who is a resident of the state of Kansas, and who submits satisfactory proof to the director of

vehicles that such person is an emergency medical ~~services attendant service provider~~, as defined in K.S.A. 65-6112, and amendments thereto, upon compliance with the provisions of this section, may be issued one emergency medical services license plate for each such passenger vehicle, truck or motorcycle. Such license plates shall be issued for the same period of time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any applicant for a license plate authorized by this section may make application for such distinctive license plates, not less than 60 days prior to such applicant's renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for the distinctive license plates shall furnish the director with proof as the director shall require under subsection (a). Application for the registration of a passenger vehicle, truck or motorcycle and issuance of the license plates under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(c) No registration or distinctive license ~~plates~~ plate issued under the authority of this section shall be transferable to any other person.

(d) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in ~~subsection (b) of~~ K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form as provided in subsection (b). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plates to the county treasurer.

Sec. 3. K.S.A. 2018 Supp. 21-6326 is hereby amended to read as follows: 21-6326.

(a) Unlawful interference with an emergency medical ~~services attendant service provider~~ is knowingly:

(1) Interfering with any ~~attendant emergency medical service provider~~ while engaged in the performance of such ~~attendant's emergency medical service provider's~~ duties; or

(2) obstructing, interfering with or impeding the efforts of any ~~attendant emergency medical service provider~~ to reach the location of an emergency.

(b) Unlawful interference with an emergency medical ~~services attendant service provider~~ is a class B person misdemeanor.

(c) As used in this section, "~~attendant~~" "emergency medical service provider" means the same as in K.S.A. 65-6112, and amendments thereto.

(d) A person who violates the provisions of this section may also be prosecuted for, convicted of, and punished for assault or battery.

Sec. 4. K.S.A. 2018 Supp. 39-1402 is hereby amended to read as follows: 39-1402.

(a) Any person who is licensed to practice any branch of the healing arts, a licensed psychologist, a licensed master level psychologist, a licensed clinical psychotherapist, a chief administrative officer of a medical care facility, an adult care home administrator or operator, a licensed social worker, a licensed professional nurse, a licensed practical nurse, a licensed marriage and family therapist, a licensed clinical marriage and family therapist, licensed professional counselor, licensed clinical professional counselor, registered alcohol and drug abuse counselor, a teacher, a bank trust officer and any other officers of financial institutions, a legal representative, a governmental assistance provider or an emergency medical ~~services attendant service provider~~ who has

reasonable cause to believe that a resident is being or has been abused, neglected or exploited, or is in a condition—~~which that~~ is the result of such abuse, neglect or exploitation or is in need of protective services, shall report immediately such information or cause a report of such information to be made in any reasonable manner to the Kansas department for aging and disability services with respect to residents defined under K.S.A. 39-1401(a)(1), and amendments thereto, to the department of health and environment with respect to residents defined under K.S.A. 39-1401(a)(2), and amendments thereto, and to the Kansas department for children and families and appropriate law enforcement agencies with respect to all other residents. Reports made to one department—~~which that~~ are required by this subsection to be made to the other department shall be referred by the department to which the report is made to the appropriate department for that report, and any such report shall constitute compliance with this subsection. Reports shall be made during the normal working week days and hours of operation of such departments. Reports shall be made to law enforcement agencies during the time the departments are not open for business. Law enforcement agencies shall submit the report and appropriate information to the appropriate department on the first working day that such department is open for business. A report made pursuant to K.S.A. 65-4923 or 65-4924, and amendments thereto, shall be deemed a report under this section.

(b) The report made pursuant to subsection (a) shall contain the name and address of the person making the report and of the caretaker caring for the resident, the name and address of the involved resident, information regarding the nature and extent of the abuse, neglect or exploitation, the name of the next of kin of the resident, if known, and any other information—~~which that~~ the person making the report believes might be helpful in an investigation of the case and the protection of the resident.

(c) Any other person, not listed in subsection (a), having reasonable cause to suspect or believe that a resident is being or has been abused, neglected or exploited; or is in a condition—~~which that~~ is the result of such abuse, neglect or exploitation or is in need of protective services may report such information to the Kansas department for aging and disability services with respect to residents defined under K.S.A. 39-1401(a)(1), and amendments thereto, to the department of health and environment with respect to residents defined under—~~subsection~~ K.S.A. 39-1401(a)(2), and amendments thereto, and to the Kansas department for children and families with respect to all other residents. Reports made to ~~one the incorrect~~ department—~~which are to be made to the other department~~ under this section shall be referred by ~~the such~~ department ~~to which the report is made~~ to the appropriate department for that report.

(d) Notice of the requirements of this act and the department to which a report is to be made under this act shall be posted in a conspicuous public place in every adult care home and medical care facility in this state.

(e) Any person required to report information or cause a report of information to be made under subsection (a) who knowingly fails to make such report or cause such report to be made shall be guilty of a class B misdemeanor.

Sec. 5. K.S.A. 2018 Supp. 39-1431 is hereby amended to read as follows: 39-1431. (a) Any person who is licensed to practice any branch of the healing arts, a licensed psychologist, a licensed master level psychologist, a licensed clinical psychotherapist, the chief administrative officer of a medical care facility, a teacher, a licensed social worker, a licensed professional nurse, a licensed practical nurse, a licensed dentist, a

licensed marriage and family therapist, a licensed clinical marriage and family therapist, licensed professional counselor, licensed clinical professional counselor, registered alcohol and drug abuse counselor, a law enforcement officer, an emergency medical services attendant service provider, a case manager, a rehabilitation counselor, a bank trust officer or any other officers of financial institutions, a legal representative, a governmental assistance provider, an owner or operator of a residential care facility, an independent living counselor and the chief administrative officer of a licensed home health agency, the chief administrative officer of an adult family home and the chief administrative officer of a provider of community services and affiliates thereof operated or funded by the Kansas department for aging and disability services or licensed under K.S.A. 2018 Supp. 39-2001 et seq., and amendments thereto, who has reasonable cause to believe that an adult is being or has been abused, neglected or exploited or is in need of protective services shall report, immediately from receipt of the information, such information or cause a report of such information to be made in any reasonable manner. An employee of a domestic violence center shall not be required to report information or cause a report of information to be made under this subsection. Other state agencies receiving reports that are to be referred to the Kansas department for children and families and the appropriate law enforcement agency, shall submit the report to the department and agency within six hours, during normal work days, of receiving the information. Reports shall be made to the Kansas department for children and families during the normal working week days and hours of operation. Reports shall be made to law enforcement agencies during the time the Kansas department for children and families is not in operation. Law enforcement shall submit the report and appropriate information to the Kansas department for children and families on the first working day that the Kansas department for children and families is in operation after receipt of such information.

(b) The report made pursuant to subsection (a) shall contain the name and address of the person making the report and of the caretaker caring for the involved adult, the name and address of the involved adult, information regarding the nature and extent of the abuse, neglect or exploitation, the name of the next of kin of the involved adult, if known, and any other information ~~which~~ that the person making the report believes might be helpful in the investigation of the case and the protection of the involved adult.

(c) Any other person, not listed in subsection (a), having reasonable cause to suspect or believe that an adult is being or has been abused, neglected or exploited or is in need of protective services may report such information to the Kansas department for children and families. Reports shall be made to law enforcement agencies during the time the Kansas department for children and families is not in operation.

(d) A person making a report under subsection (a) shall not be required to make a report under K.S.A. 39-1401 through 39-1410, and amendments thereto.

(e) Any person required to report information or cause a report of information to be made under subsection (a) who knowingly fails to make such report or cause such report not to be made shall be guilty of a class B misdemeanor.

(f) Notice of the requirements of this act and the department to which a report is to be made under this act shall be posted in a conspicuous public place in every adult family home as defined in K.S.A. 39-1501, and amendments thereto, and every provider of community services and affiliates thereof operated or funded by the Kansas department for aging and disability services or other facility licensed under K.S.A. 2018

Supp. 39-2001 et seq., and amendments thereto, and other institutions included in subsection (a).

Sec. 6. K.S.A. 2018 Supp. 40-2141 is hereby amended to read as follows: 40-2141.

(a) (1) Except as provided in paragraph (2), whenever a municipality provides for the payment of premiums for any health benefit plan for its emergency personnel, it shall pay premiums for the continuation of coverage under COBRA for the surviving spouse and eligible dependent children under the age of 26 years of any emergency personnel who dies in the line of duty. Premiums for continuation of coverage under COBRA shall be paid for 18 months.

(2) A municipality may not be required to pay the premiums described in paragraph (1) for a surviving spouse:

(A) On or after the end of the 18th calendar month after the date of death of the deceased emergency personnel;

(B) upon the remarriage of the deceased emergency personnel's surviving spouse; or

(C) upon the deceased emergency personnel's surviving spouse reaching the age of 65.

(b) For the purposes of this section:

(1) "Emergency personnel" means an ~~attendant~~ emergency medical service provider as such term is defined in K.S.A. 65-6112, and amendments thereto.

(2) "Health benefit plan" shall have the meaning ascribed to it in K.S.A. 40-4602, and amendments thereto.

(3) "Municipality" means a city or county.

Sec. 7. K.S.A. 2018 Supp. 44-131 is hereby amended to read as follows: 44-131.

(a) No employer may discharge any employee by reason of the fact that the employee performs duties as a volunteer firefighter, volunteer certified emergency medical ~~services attendant service provider~~, as defined in K.S.A. 65-6112, and amendments thereto, volunteer reserve law enforcement officer or volunteer part-time law enforcement officer. The provisions of this section shall not apply to an employer when the employee is employed by the employer as a full-time firefighter or law enforcement officer.

(b) For the purposes of this section, the term:

(1) "Employee" shall have the meaning ascribed to it in K.S.A. 44-313, and amendments thereto.

(2) "Employer" shall have the meaning ascribed to it in K.S.A. 44-313, and amendments thereto.

Sec. 8. K.S.A. 2018 Supp. 44-508 is hereby amended to read as follows: 44-508. As used in the workers compensation act:

(a) "Employer" includes: (1) Any person or body of persons, corporate or unincorporated, and the legal representative of a deceased employer or the receiver or trustee of a person, corporation, association or partnership; (2) the state or any department, agency or authority of the state, any city, county, school district or other political subdivision or municipality or public corporation and any instrumentality thereof; and (3) for the purposes of community service work, the entity for which the community service work is being performed and the governmental agency ~~which that~~ assigned the community service work, if any, if either such entity or such governmental agency has filed a written statement of election with the director to accept the

provisions under the workers compensation act for persons performing community service work and in such case such entity and such governmental agency shall be deemed to be the joint employer of the person performing the community service work and both shall have the rights, liabilities and immunities provided under the workers compensation act for an employer with regard to the community service work, except that the liability for providing benefits shall be imposed only on the party ~~which that~~ filed such election with the director; or on both if both parties have filed such election with the director; for purposes of community service work, "governmental agency" shall not include any court or any officer or employee thereof and any case where there is deemed to be a "joint employer" shall not be construed to be a case of dual or multiple employment.

(b) "Workman" or "employee" or "worker" means any person who has entered into the employment of or works under any contract of service or apprenticeship with an employer. Such terms shall include, but not be limited to: Executive officers of corporations; professional athletes; persons serving on a volunteer basis as duly authorized law enforcement officers, ~~attendants~~ emergency medical service providers, as defined in ~~subsection (f) of K.S.A. 65-6112~~, and amendments thereto, ~~drivers of ambulances as defined in subsection (d) of K.S.A. 65-6112~~, and amendments thereto, firefighters, but only to the extent and during such periods as they are so serving in such capacities; persons employed by educational, religious and charitable organizations, but only to the extent and during the periods that they are paid wages by such organizations; persons in the service of the state; or any department, agency or authority of the state, any city, school district; or other political subdivision or municipality or public corporation and any instrumentality thereof, under any contract of service, express or implied, and every official or officer thereof, whether elected or appointed, while performing official duties; persons in the service of the state as volunteer members of the Kansas department of civil air patrol, but only to the extent and during such periods as they are officially engaged in the performance of functions specified in K.S.A. 48-3302, and amendments thereto; volunteers in any employment, if the employer has filed an election to extend coverage to such volunteers; minors, whether such minors are legally or illegally employed; and persons performing community service work, but only to the extent and during such periods as they are performing community service work and if an election has been filed an election to extend coverage to such persons. Any reference to an employee who has been injured shall, where the employee is dead, include a reference to the employee's dependents, to the employee's legal representatives; or, if the employee is a minor or an incapacitated person, to the employee's guardian or conservator. Unless there is a valid election in effect ~~which that~~ has been filed as provided in K.S.A. 44-542a, and amendments thereto, such terms shall not include individual employers, limited liability company members, partners or self-employed persons.

(c) (1) "Dependents" means such members of the employee's family as were wholly or in part dependent upon the employee at the time of the accident or injury.

(2) "Members of a family" means only surviving legal spouse and children; or if no surviving legal spouse or children, then parents or grandparents; or if no parents or grandparents, then grandchildren; or if no grandchildren, then brothers and sisters. In the meaning of this section, parents include stepparents, children include stepchildren, grandchildren include stepgrandchildren, brothers and sisters include stepbrothers and

stepsisters, and children and parents include that relation by legal adoption. In the meaning of this section, a surviving spouse shall not be regarded as a dependent of a deceased employee or as a member of the family, if the surviving spouse shall have for more than six months willfully or voluntarily deserted or abandoned the employee prior to the date of the employee's death.

(3) "Wholly dependent child or children" means:

(A) A birth child or adopted child of the employee except such a child whose relationship to the employee has been severed by adoption;

(B) a stepchild of the employee who lives in the employee's household;

(C) any other child who is actually dependent in whole or in part on the employee and who is related to the employee by marriage or consanguinity; or

(D) any child as defined in subsection (c)(3)(A), (3)(B) or (3)(C) who is less than 23 years of age and who is not physically or mentally capable of earning wages in any type of substantial and gainful employment or who is a full-time student attending an accredited institution of higher education or vocational education.

(d) "Accident" means an undesigned, sudden and unexpected traumatic event, usually of an afflictive or unfortunate nature and often, but not necessarily, accompanied by a manifestation of force. An accident shall be identifiable by time and place of occurrence, produce at the time symptoms of an injury; and occur during a single work shift. The accident must be the prevailing factor in causing the injury. "Accident" shall in no case be construed to include repetitive trauma in any form.

(e) "Repetitive trauma" refers to cases where an injury occurs as a result of repetitive use, cumulative traumas or microtraumas. The repetitive nature of the injury must be demonstrated by diagnostic or clinical tests. The repetitive trauma must be the prevailing factor in causing the injury. "Repetitive trauma" shall in no case be construed to include occupational disease, as defined in K.S.A. 44-5a01, and amendments thereto.

In the case of injury by repetitive trauma, the date of injury shall be the earliest of:

(1) The date the employee, while employed for the employer against whom benefits are sought, is taken off work by a physician due to the diagnosed repetitive trauma;

(2) the date the employee, while employed for the employer against whom benefits are sought, is placed on modified or restricted duty by a physician due to the diagnosed repetitive trauma;

(3) the date the employee, while employed for the employer against whom benefits are sought, is advised by a physician that the condition is work-related; or

(4) the last day worked, if the employee no longer works for the employer against whom benefits are sought.

In no case shall the date of accident be later than the last date worked.

(f) (1) "Personal injury" and "injury" mean any lesion or change in the physical structure of the body, causing damage or harm thereto. Personal injury or injury may occur only by accident, repetitive trauma or occupational disease as those terms are defined.

(2) An injury is compensable only if it arises out of and in the course of employment. An injury is not compensable because work was a triggering or precipitating factor. An injury is not compensable solely because it aggravates, accelerates or exacerbates a preexisting condition or renders a preexisting condition symptomatic.

(A) An injury by repetitive trauma shall be deemed to arise out of employment only if:

(i) The employment exposed the worker to an increased risk or hazard to which the worker would not have been exposed in normal non-employment life;

(ii) the increased risk or hazard to which the employment exposed the worker is the prevailing factor in causing the repetitive trauma; and

(iii) the repetitive trauma is the prevailing factor in causing both the medical condition and resulting disability or impairment.

(B) An injury by accident shall be deemed to arise out of employment only if:

(i) There is a causal connection between the conditions under which the work is required to be performed and the resulting accident; and

(ii) the accident is the prevailing factor causing the injury, medical condition; and resulting disability or impairment.

(3) (A) The words "arising out of and in the course of employment" as used in the workers compensation act shall not be construed to include:

(i) Injury ~~which that~~ occurred as a result of the natural aging process or by the normal activities of day-to-day living;

(ii) accident or injury ~~which that~~ arose out of a neutral risk with no particular employment or personal character;

(iii) accident or injury ~~which that~~ arose out of a risk personal to the worker; or

(iv) accident or injury ~~which that~~ arose either directly or indirectly from idiopathic causes.

(B) The words "arising out of and in the course of employment" as used in the workers compensation act shall not be construed to include injuries to the employee occurring while the employee is on the way to assume the duties of employment or after leaving such duties, the proximate cause of which injury is not the employer's negligence. An employee shall not be construed as being on the way to assume the duties of employment or having left such duties at a time when the worker is on the premises owned or under the exclusive control of the employer or on the only available route to or from work ~~which that~~ is a route involving a special risk or hazard connected with the nature of the employment, that is not a risk or hazard to which the general public is exposed and ~~which that~~ is a route not used by the public except in dealings with the employer. An employee shall not be construed as being on the way to assume the duties of employment, if the employee is a provider of emergency services responding to an emergency.

(C) The words, "arising out of and in the course of employment" as used in the workers compensation act shall not be construed to include injuries to employees while engaged in recreational or social events under circumstances where the employee was under no duty to attend and where the injury did not result from the performance of tasks related to the employee's normal job duties or as specifically instructed to be performed by the employer.

(g) "Prevailing" as it relates to the term "factor" means the primary factor, in relation to any other factor. In determining what constitutes the "prevailing factor" in a given case, the administrative law judge shall consider all relevant evidence submitted by the parties.

(h) "Burden of proof" means the burden of a party to persuade the trier of facts by a preponderance of the credible evidence that such party's position on an issue is more

probably true than not true on the basis of the whole record unless a higher burden of proof is specifically required by this act.

(i) "Director" means the director of workers compensation as provided for in K.S.A. 75-5708, and amendments thereto.

(j) "Healthcare provider" means any person licensed, by the proper licensing authority of this state, another state or the District of Columbia, to practice medicine and surgery, osteopathy, chiropractic, dentistry, optometry, podiatry, audiology or psychology.

(k) "Secretary" means the secretary of labor.

(l) "Construction design professional" means any person who is an architect, professional engineer, landscape architect or land surveyor who has been issued a license by the state board of technical professions to practice such technical profession in Kansas or any corporation organized to render professional services through the practice of one or more of such technical professions in Kansas under the professional corporation law of Kansas or any corporation issued a certificate of authorization under K.S.A. 74-7036, and amendments thereto, to practice one or more of such technical professions in Kansas.

(m) "Community service work" means: (1) Public or community service performed as a result of a contract of diversion or of assignment to a community corrections program or conservation camp or suspension of sentence or as a condition of probation or in lieu of a fine imposed by court order; or (2) public or community service or other work performed as a requirement for receipt of any kind of public assistance in accordance with any program administered by the secretary for children and families.

(n) "Utilization review" means the initial evaluation of appropriateness in terms of both the level and the quality of health care and health services provided to a patient, based on accepted standards of the health care profession involved. Such evaluation is accomplished by means of a system ~~which that~~ identifies the utilization of health care services above the usual range of utilization for such services, ~~which that~~ is based on accepted standards of the health care profession involved; and ~~which that~~ refers instances of possible inappropriate utilization to the director for referral to a peer review committee.

(o) "Peer review" means an evaluation by a peer review committee of the appropriateness, quality and cost of health care and health services provided a patient; ~~which that~~ is based on accepted standards of the health care profession involved and ~~which that~~ is conducted in conjunction with utilization review.

(p) "Peer review committee" means a committee composed of health care providers licensed to practice the same health care profession as the health care provider who rendered the health care services being reviewed.

(q) "Group-funded self-insurance plan" includes each group-funded workers compensation pool, ~~which that~~ is authorized to operate in this state under K.S.A. 44-581 through 44-592, and amendments thereto, each municipal group-funded pool under the Kansas municipal group-funded pool act ~~which that~~ is covering liabilities under the workers compensation act; and any other similar group-funded or pooled plan or arrangement that provides coverage for employer liabilities under the workers compensation act and is authorized by law.

(r) On and after the effective date of this act, "workers compensation board" or "board" means the workers compensation appeals board established under K.S.A. 44-

555c, and amendments thereto.

(s) "Usual charge" means the amount most commonly charged by health care providers for the same or similar services.

(t) "Customary charge" means the usual rates or range of fees charged by health care providers in a given locale or area.

(u) "Functional impairment" means the extent, expressed as a percentage, of the loss of a portion of the total physiological capabilities of the human body as established by competent medical evidence and based on the fourth edition of the American medical association guides to the evaluation of impairment, if the impairment is contained therein.

(v) "Authorized treating physician" means a licensed physician or other health care provider authorized by the employer or insurance carrier, or both, or appointed pursuant to court-order to provide those medical services deemed necessary to diagnose and treat an injury arising out of and in the course of employment.

(w) "Mail" means the use of the United States postal service or other land based delivery service or transmission by electronic means, including delivery by fax, e-mail or other electronic delivery method designated by the director of workers compensation.

Sec. 9. K.S.A. 2018 Supp. 44-510h is hereby amended to read as follows: 44-510h.

(a) It shall be the duty of the employer to provide the services of a health care provider; and such medical, surgical and hospital treatment, including nursing, medicines, medical and surgical supplies, ambulance, crutches, apparatus and transportation to and from the home of the injured employee to a place outside the community in which such employee resides; and within such community if the director, in the director's discretion, so orders, including transportation expenses computed in accordance with ~~subsection (a) of~~ K.S.A. 44-515(a), and amendments thereto, as may be reasonably necessary to cure and relieve the employee from the effects of the injury.

(b) (1) If the director finds, upon application of an injured employee, that the services of the health care provider furnished as provided in subsection (a) and rendered on behalf of the injured employee are not satisfactory, the director may authorize the appointment of some other health care provider. In any such case, the employer shall submit the names of two health care providers who, if possible given the availability of local health care providers, are not associated in practice together. The injured employee may select one from the list who shall be the authorized treating health care provider. If the injured employee is unable to obtain satisfactory services from any of the health care providers submitted by the employer under this paragraph, either party or both parties may request the director to select a treating health care provider.

(2) Without application or approval, an employee may consult a health care provider of the employee's choice for the purpose of examination, diagnosis or treatment, but the employer shall only be liable for the fees and charges of such health care provider up to a total amount of \$500. The amount allowed for such examination, diagnosis or treatment shall not be used to obtain a functional impairment rating. Any medical opinion obtained in violation of this prohibition shall not be admissible in any claim proceedings under the workers compensation act.

(c) An injured employee whose injury or disability has been established under the workers compensation act may rely, if done in good faith, solely or partially on treatment by prayer or spiritual means in accordance with the tenets of practice of a church or religious denomination without suffering a loss of benefits subject to the

following conditions:

(1) The employer or the employer's insurance carrier agrees thereto in writing either before or after the injury;

(2) the employee submits to all physical examinations required by the workers compensation act;

(3) the cost of such treatment shall be paid by the employee unless the employer or insurance carrier agrees to make such payment;

(4) the injured employee shall be entitled only to benefits that would reasonably have been expected had such employee undergone medical or surgical treatment; and

(5) the employer or insurance carrier that made an agreement under paragraph (1) or (3) ~~of this subsection~~ may withdraw from the agreement on 10 days' written notice.

(d) In any employment to which the workers compensation act applies, the employer shall be liable to each employee who is employed as a duly authorized law enforcement officer, firefighter, ~~driver of an ambulance as defined in subsection (b) of K.S.A. 65-6112, and amendments thereto, an ambulance attendant as defined in subsection (d) of an emergency medical service provider as defined in K.S.A. 65-6112, and amendments thereto, or a member of a regional emergency medical response team as provided in K.S.A. 48-928, and amendments thereto, including any person who is serving on a volunteer basis in such capacity, for all reasonable and necessary preventive medical care and treatment for hepatitis to which such employee is exposed under circumstances arising out of and in the course of employment.~~

(e) It is presumed that the employer's obligation to provide the services of a health care provider; and such medical, surgical and hospital treatment, including nursing, medicines, medical and surgical supplies, ambulance, crutches, apparatus and transportation to and from the home of the injured employee to a place outside the community in which such employee resides; and within such community if the director, in the director's discretion, so orders, including transportation expenses computed in accordance with ~~subsection (a) of K.S.A. 44-515(a), and amendments thereto, shall terminate upon the employee reaching maximum medical improvement. Such presumption may be overcome with medical evidence that it is more probably true than not that additional medical treatment will be necessary after such time as the employee reaches maximum medical improvement. The term As used in this subsection, "medical treatment" as used in this subsection (e) means only that treatment provided or prescribed by a licensed health care provider and shall not include home exercise programs or over-the-counter medications.~~

Sec. 10. K.S.A. 2018 Supp. 44-511 is hereby amended to read as follows: 44-511. (a) As used in this section:

(1) The term "money" shall be construed to mean the gross remuneration, on an hourly, output, salary, commission or other basis earned while employed by the employer, including bonuses and gratuities. Money shall not include any additional compensation, as defined in paragraph 2.

(2) (A) The term "additional compensation" shall include and mean only the following: (i) Board and lodging when furnished by the employer as part of the wages, which shall be valued at a maximum of \$25 per week for board and lodging combined, unless the value has been fixed otherwise by the employer and employee prior to the date of the accident or injury, or unless a higher weekly value is provided; and (ii) employer-paid life insurance, disability insurance, health and accident insurance and

employer contributions to pension and profit sharing plans.

(B) In no case shall additional compensation include any amounts of employer taxes paid by the employer under the old-age and survivors insurance system embodied in the federal social security system.

(C) Additional compensation shall not be included in the calculation of average wage until and unless such additional compensation is discontinued. If such additional compensation is discontinued subsequent to a computation of average weekly wages under this section, there shall be a recomputation to include such discontinued additional compensation.

(3) The term "wage" shall be construed to mean the total of the money and any additional compensation ~~which that~~ the employee receives for services rendered for the employer in whose employment the employee sustains an injury arising out of and in the course of such employment.

(b) (1) Unless otherwise provided, the employee's average weekly wage for the purpose of computing any compensation benefits provided by the workers compensation act shall be the wages the employee earned during the calendar weeks employed by the employer, up to 26 calendar weeks immediately preceding the date of the injury, divided by the number of calendar weeks the employee actually worked, or by 26 as the case may be.

(2) If actually employed by the employer for less than one calendar week immediately preceding the accident or injury, the average weekly wage shall be determined by the administrative law judge based upon all of the evidence and circumstances, including the usual wage for similar services paid by the same employer, or if the employer has no employees performing similar services, the usual wage paid for similar services by other employers. The average weekly wage so determined shall not exceed the actual average weekly wage the employee was reasonably expected to earn in the employee's specific employment, including the average weekly value of any additional compensation.

(3) The average weekly wage of an employee who performs the same or a very similar type of work on a part-time basis for each of two or more employers, shall be the sum of the average weekly wages of such employee paid by each of the employers.

(4) In determining an employee's average weekly wage with respect to the employer against whom claim for compensation is made, no money or additional compensation paid to or received by the employee from such employer, or from any source other than from such employer, shall be included as wages, except as provided in this section. No wages, other compensation or benefits of any type, except as provided in this section, shall be considered or included in determining the employee's average weekly wage.

(5) (A) The average weekly wage of a person serving on a volunteer basis as a duly authorized law enforcement officer, ~~ambulance attendants and drivers emergency medical service provider~~ as provided in ~~subsection (b) of~~ K.S.A. 44-508, and amendments thereto, firefighter or ~~members member~~ of a regional emergency medical response ~~teams team~~ as provided in K.S.A. 48-928, and amendments thereto, who receives no wages for such services, or who receives wages ~~which that~~ are substantially less than the usual wages paid for such services by comparable employers to employees who are not volunteers, shall be computed on the basis of the dollar amount closest to, but not exceeding, 112½% of the state average weekly wage.

(B) The average weekly wage of any person performing community service work shall be deemed to be \$37.50.

(C) The average weekly wage of a volunteer member of the Kansas department of civil air patrol officially engaged in the performance of functions specified in K.S.A. 48-3302, and amendments thereto, shall be deemed to be \$476.38. Whenever the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act are increased for payroll periods chargeable to fiscal years commencing after June 30, 1988, the average weekly wage ~~which that~~ is deemed to be the average weekly wage under the provisions of this subsection for a volunteer member of the Kansas department of civil air patrol shall be increased by an amount, adjusted to the nearest dollar, computed by multiplying the average of the percentage increases in all monthly steps of such pay plan by the average weekly wage deemed to be the average weekly wage of such volunteer member under the provisions of this subsection prior to the effective date of such increase in the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act.

(D) The average weekly wage of any other volunteer under the workers compensation act, who receives no wages for such services, or who receives wages ~~which that~~ are substantially less than the usual wages paid for such services by comparable employers to employees who are not volunteers, shall be computed on the basis of the usual wages paid by the employer for such services to employees who are not volunteers, or, if the employer has no employees performing such services for wages who are not volunteers, the average weekly wage shall be computed on the basis of the usual wages paid for such services by comparable employers to employees who are not volunteers. Volunteer employment is not presumed to be full-time employment.

(c) The state's average weekly wage for any year shall be the average weekly wage paid to employees in insured work subject to Kansas employment security law as determined annually by the secretary of labor as provided in K.S.A. 44-704, and amendments thereto.

(d) Members of a labor union or other association who perform services ~~in on~~ behalf of the labor union or other association and who are not paid as full-time employees of the labor union or other association and who are injured or suffer occupational disease in the course of the performance of duties ~~in on~~ behalf of the labor union or other association shall recover compensation benefits under the workers compensation act from the labor union or other association if the labor union or other association files an election with the director to bring its members who perform such services under the coverage of the workers compensation act. The average weekly wage for the purpose of this subsection shall be based on what the employee would earn in the employee's general occupation if at the time of the injury the employee had been performing work in the employee's general occupation. The insurance coverage shall be furnished by the labor union or other association.

Sec. 11. K.S.A. 2018 Supp. 44-1204 is hereby amended to read as follows: 44-1204. (a) On and after January 1, 1978, no employer shall employ any employee for a workweek longer than 46 hours, unless such employee receives compensation for employment in excess of 46 hours in a workweek at a rate of not less than 1½ times the hourly wage rate at which such employee is regularly employed.

(b) No employer shall be deemed to have violated subsection (a) with respect to the employment of any employee who is covered by this section, who is engaged in the

public or private delivery of emergency medical services as an attendant emergency medical service provider as defined by K.S.A. 65-6112, and amendments thereto, or who is engaged in fire protection or law enforcement activities, including any member of the security personnel in any correctional institution, and who is paid compensation at a rate of not less than 1½ times the regular rate at which such employee is employed:

(1) In any work period of 28 consecutive days in which such employee works for tours of duty ~~which that~~ in the aggregate exceed 258 hours; or

(2) in the case of any such employee to whom a work period of at least seven but less than 28 days applies, in any such work period in which such employee works for tours of duty ~~which that~~ in the aggregate exceed a number of hours ~~which bears that bear~~ the same ratio to the number of consecutive days in such work period as 258 hours bears to 28 days.

(c) The provisions of this section shall not apply to the employment of:

(1) Any employee who is covered under the provisions of section 7 of the fair labor standards act of 1938 as amended, 29 U.S.C.A. § 207, and as amended by the fair labor standards amendments of 1974, and amendments thereto; or

(2) any employee who is primarily engaged in selling motor vehicles, as defined in K.S.A. 8-126, and amendments thereto, for a non-manufacturing employer primarily engaged in the business of selling such vehicles to ultimate purchasers;

(3) any person who is sentenced to the custody of the secretary of corrections and any person serving a sentence in a county jail.

(d) For the purposes of this section, the agreement or practice by employees engaged in fire protection or law enforcement activities of substituting for one another on regularly scheduled tours of duty, or a part thereof, shall be deemed to have no effect on hours of work if:

(1) The substituting is done voluntarily by the employees and not at the behest of the employer;

(2) the reason for substituting is due not to the employer's business practice but to the employee's desire or need to attend to a personal matter;

(3) a record is maintained by the employer of all time substituted by the employer's employees; and

(4) the period during which time is substituted and paid back does not exceed 12 months.

Sec. 12. K.S.A. 65-16,127 is hereby amended to read as follows: 65-16,127. (a) As used in this section:

(1) "Bystander" means a family member, friend, caregiver or other person in a position to assist a person who the family member, friend, caregiver or other person believes, in good faith, to be experiencing an opioid overdose.

(2) "Emergency opioid antagonist" means any drug that inhibits the effects of opioids and that is approved by the United States food and drug administration for the treatment of an opioid overdose.

(3) "First responder" includes any attendant emergency medical service provider, as defined by K.S.A. 65-6112, and amendments thereto, any law enforcement officer, as defined by K.S.A. 22-2202, and amendments thereto, and any actual member of any organized fire department, whether regular or volunteer.

(4) "First responder agency" includes, but is not limited to, any law enforcement agency, fire department or criminal forensic laboratory of any city, county or the state of

Kansas.

(5) "Opioid antagonist protocol" means the protocol established by the state board of pharmacy pursuant to subsection (b).

(6) "Opioid overdose" means an acute condition including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, mania or death, resulting from the consumption or use of an opioid or another substance with which an opioid was combined, or that a layperson would reasonably believe to be resulting from the consumption or use of an opioid or another substance with which an opioid was combined, and for which medical assistance is required.

(7) "Patient" means a person believed to be at risk of experiencing an opioid overdose.

(8) "School nurse" means a professional nurse licensed by the board of nursing and employed by a school district to perform nursing procedures in a school setting.

(9) "Healthcare provider" means a physician licensed to practice medicine and surgery by the state board of healing arts, a licensed dentist, a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto, or any person authorized by law to prescribe medication.

(b) The state board of pharmacy shall issue a statewide opioid antagonist protocol that establishes requirements for a licensed pharmacist to dispense emergency opioid antagonists to a person pursuant to this section. The opioid antagonist protocol shall include procedures to ensure accurate recordkeeping and education of the person to whom the emergency opioid antagonist is furnished, including, but not limited to: Opioid overdose prevention, recognition and response; safe administration of an emergency opioid antagonist; potential side effects or adverse events that may occur as a result of administering an emergency opioid antagonist; a requirement that the administering person immediately contact emergency medical services for a patient; and the availability of drug treatment programs.

(c) A pharmacist may furnish an emergency opioid antagonist to a patient or bystander subject to the requirements of this section, the pharmacy act of the state of Kansas and any rules and regulations adopted by the state board of pharmacy thereunder.

(d) A pharmacist furnishing an emergency opioid antagonist pursuant to this section may not permit the person to whom the emergency opioid antagonist is furnished to waive any consultation required by this section or any rules and regulations adopted thereunder.

(e) Any first responder, scientist or technician operating under a first responder agency or school nurse is authorized to possess, store and administer emergency opioid antagonists as clinically indicated, provided that all personnel with access to emergency opioid antagonists are trained, at a minimum, on the following:

(1) Techniques to recognize signs of an opioid overdose;

(2) standards and procedures to store and administer an emergency opioid antagonist;

(3) emergency follow-up procedures, including the requirement to summon emergency ambulance services either immediately before or immediately after administering an emergency opioid antagonist to a patient; and

(4) inventory requirements and reporting any administration of an emergency opioid antagonist to a healthcare provider.

(f) (1) Any first responder agency electing to provide an emergency opioid antagonist to its employees or volunteers for the purpose of administering the emergency opioid antagonist shall procure the services of a physician to serve as physician medical director for the first responder agency's emergency opioid antagonist program.

(2) The first responder agency shall utilize the physician medical director or a licensed pharmacist for the purposes of:

- (A) Obtaining a supply of emergency opioid antagonists;
- (B) receiving assistance developing necessary policies and procedures that comply with this section and any rules and regulations adopted thereunder;
- (C) training personnel; and
- (D) coordinating agency activities with local emergency ambulance services and medical directors to provide quality assurance activities.

(g) (1) Any healthcare provider or pharmacist who, in good faith and with reasonable care, prescribes or dispenses an emergency opioid antagonist pursuant to this section shall not, by an act or omission, be subject to civil liability, criminal prosecution or any disciplinary or other adverse action by a professional licensure entity arising from the healthcare provider or pharmacist prescribing or dispensing the emergency opioid antagonist.

(2) Any patient, bystander, ~~or~~ school nurse, or a first responder, scientist or technician operating under a first responder agency, who, in good faith and with reasonable care, receives and administers an emergency opioid antagonist pursuant to this section to a person experiencing a suspected opioid overdose shall not, by an act or omission, be subject to civil liability or criminal prosecution, unless personal injury results from the gross negligence or willful or wanton misconduct in the administration of the emergency opioid antagonist.

(3) Any first responder agency employing or contracting any person that, in good faith and with reasonable care, administers an emergency opioid antagonist pursuant to this section to a person experiencing a suspected opioid overdose shall not, by an act or omission, be subject to civil liability, criminal prosecution, any disciplinary or other adverse action by a professional licensure entity or any professional review.

(h) The state board of pharmacy shall adopt rules and regulations as may be necessary to implement the provisions of this section prior to January 1, 2018.

(i) This section shall be part of and supplemental to the pharmacy act of the state of Kansas.

Sec. 13. K.S.A. 65-1728 is hereby amended to read as follows: 65-1728. For the purpose of removing an eye or part thereof, any embalmer licensed in accordance with the provisions of article 17 of chapter 65 of the Kansas Statutes Annotated, and ~~acts amendatory thereof amendments thereto~~, a licensed nurse, technician employed by a nationally certified eye bank, licensed optometrist, ~~attendant emergency medical service provider~~ as defined ~~under by~~ K.S.A. 65-6112, and amendments thereto, or physician assistant, who has completed a course in eye enucleation at a school certified by the department of ophthalmology, college of medicine of the university of Kansas school of medicine, and holds a valid certificate of competence from such certified school, or a person licensed to practice medicine and surgery is hereby authorized to enucleate eyes from any body when the gift of such eye has been made in accordance with the terms of the revised uniform anatomical gift act ~~(, K.S.A. 65-3220 through 65-3244, and~~

amendments thereto). Persons certified in accordance with this section and persons licensed to practice medicine and surgery who perform the enucleation of eyes in accordance with the provisions of K.S.A. 65-3220 through 65-3244, and amendments thereto, shall incur no liability, civil or criminal, for his acts in performance of enucleation of eyes.

Sec. 14. K.S.A. 65-2891 is hereby amended to read as follows: 65-2891. (a) Any health care provider who in good faith renders emergency care or assistance at the scene of an emergency or accident including treatment of a minor without first obtaining the consent of the parent or guardian of such minor shall not be liable for any civil damages for acts or omissions other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering such emergency care.

(b) Any health care provider may render in good faith emergency care or assistance, without compensation, to any minor requiring such care or assistance as a result of having engaged in competitive sports, without first obtaining the consent of the parent or guardian of such minor. Such health care provider shall not be liable for any civil damages other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering such emergency care.

(c) Any health care provider may in good faith render emergency care or assistance during an emergency ~~which that~~ occurs within a hospital or elsewhere, with or without compensation, until such time as the physician employed by the patient or by the patient's family or by guardian assumes responsibility for such patient's professional care. The health care provider rendering such emergency care shall not be held liable for any civil damages other than damages occasioned by negligence.

(d) Any provision herein contained notwithstanding, the ordinary standards of care and rules of negligence shall apply in those cases wherein emergency care and assistance is rendered in any physician's or dentist's office, clinic, emergency room or hospital with or without compensation.

(e) As used in this section the term "health care provider" means any person licensed to practice any branch of the healing arts, licensed dentist, licensed optometrist, licensed professional nurse, licensed practical nurse, licensed podiatrist, licensed pharmacist, licensed physical therapist, and any physician assistant who has successfully completed an American medical association approved training program and has successfully completed the national board examination for physician assistants of the American board of medical examiners, any licensed athletic trainer, any licensed occupational therapist, any licensed respiratory therapist, any person who holds a valid ~~attendant's emergency medical service provider's~~ certificate under K.S.A. 65-6129, and amendments thereto, any person who holds a valid certificate for the successful completion of a course in first aid offered or approved by the American red cross, by the American heart association, by the mining enforcement and safety administration of the bureau of mines of the department of interior, by the national safety council or by any instructor-coordinator, as defined in K.S.A. 65-6112, and amendments thereto, and any person engaged in a postgraduate training program approved by the state board of healing arts.

Sec. 15. K.S.A. 65-2913 is hereby amended to read as follows: 65-2913. (a) It shall be unlawful for any person who is not licensed under the physical therapy practice act as a physical therapist or whose license has been suspended or revoked in any manner to represent oneself as a physical therapist or to use in connection with such person's

name the words physical therapist, physiotherapist, licensed physical therapist or doctor of physical therapy or use the abbreviations P.T., Ph. T., M.P.T., D.P.T. or L.P.T., or any other letters, words, abbreviations or insignia, indicating or implying that such person is a physical therapist. A violation of this subsection shall constitute a class B nonperson misdemeanor. Nothing in this section shall be construed to prohibit physical therapists licensed under K.S.A. 65-2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials recognized by the board ~~which~~ that such licensee has earned. Each licensee when using the letters or term "Dr." or "Doctor" in conjunction with such licensee's professional practice, whether in any written or oral communication, shall identify oneself as a "physical therapist" or "doctor of physical therapy."

(b) Any person who, in any manner, represents oneself as a physical therapist assistant, or who uses in connection with such person's name the words or letters physical therapist assistant, certified physical therapist assistant, P.T.A., C.P.T.A. or P.T. Asst., or any other letters, words, abbreviations or insignia, indicating or implying that such person is a physical therapist assistant, without a valid existing certificate as a physical therapist assistant issued to such person pursuant to the physical therapy practice act shall be guilty of a class B nonperson misdemeanor. Nothing in this section shall be construed to prohibit physical therapist assistants certified under K.S.A. 65-2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials ~~which~~ that such physical therapist assistant has earned.

(c) Nothing in this act is intended to limit, preclude or otherwise interfere with the practices of other health care providers formally trained and practicing their profession. The provisions of the physical therapy practice act shall not apply to the following individuals so long as they do not hold themselves out in a manner prohibited under subsection (a) or (b):

- (1) Persons rendering assistance in the case of an emergency;
- (2) members of any church practicing their religious tenets;
- (3) persons whose services are performed pursuant to the delegation of and under the supervision of a physical therapist who is licensed under this act;
- (4) health care providers in the United States armed forces, public health services, federal facilities and coast guard or other military service when acting in the line of duty in this state;
- (5) licensees under the healing arts act, and practicing their professions, when licensed and practicing in accordance with the provisions of law or persons performing services pursuant to the delegation of a licensee under K.S.A. 65-2872~~(g)~~, and amendments thereto;
- (6) dentists practicing their professions, when licensed and practicing in accordance with the provisions of law;
- (7) nurses practicing their professions, when licensed and practicing in accordance with the provisions of law or persons performing services pursuant to the delegation of a licensed nurse under K.S.A. 65-1124~~(m)~~, and amendments thereto;
- (8) health care providers who have been formally trained and are practicing in accordance with their training or have received specific training in one or more

functions included in this act pursuant to established educational protocols or both;

(9) students while in actual attendance in an accredited health care educational program and under the supervision of a qualified instructor;

(10) self-care by a patient or gratuitous care by a friend or family member;

(11) optometrists practicing their profession when licensed and practicing in accordance with the provisions of article 15 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(12) podiatrists practicing their profession when licensed and practicing in accordance with the provisions of article 20 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(13) occupational therapists practicing their profession when licensed and practicing in accordance with the occupational therapy practice act and occupational therapy assistants practicing their profession when licensed and practicing in accordance with the occupational therapy practice act;

(14) respiratory therapists practicing their profession when licensed and practicing in accordance with the respiratory therapy practice act;

(15) physician assistants practicing their profession when licensed and practicing in accordance with the physician assistant licensure act;

(16) persons practicing corrective therapy in accordance with their training in corrective therapy;

(17) athletic trainers practicing their profession when licensed and practicing in accordance with the athletic trainers licensure act;

(18) persons who massage for the purpose of relaxation, muscle conditioning or figure improvement, so long as no drugs are used and such persons do not hold themselves out to be physicians or healers;

(19) barbers practicing their profession when licensed and practicing in accordance with the provisions of article 18 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(20) cosmetologists practicing their profession when licensed and practicing in accordance with the provisions of article 19 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(21) attendants emergency medical service providers practicing their profession when certified and practicing in accordance with the provisions of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(22) naturopathic doctors practicing their profession when licensed and practicing in accordance with the naturopathic doctor licensure act; and

(23) acupuncturists practicing their profession when licensed and practicing in accordance with the acupuncture practice act.

(d) Any patient monitoring, assessment or other procedures designed to evaluate the effectiveness of prescribed physical therapy must be performed by or pursuant to the delegation of a licensed physical therapist or other health care provider.

(e) Nothing in this act shall be construed to permit the practice of medicine and surgery. No statute granting authority to licensees of the state board of healing arts shall be construed to confer authority upon physical therapists to engage in any activity not conferred by the physical therapy practice act.

Sec. 16. K.S.A. 65-6001 is hereby amended to read as follows: 65-6001. As used in K.S.A. 65-6001 to 65-6007, inclusive, and K.S.A. 65-6008, 65-6009 and through 65-

6010, and amendments thereto, unless the context clearly requires otherwise:

- (a) "AIDS" means the disease acquired immune deficiency syndrome.
- (b) "HIV" means the human immunodeficiency virus.
- (c) "Laboratory confirmation of HIV infection" means positive test results from a confirmation test approved by the secretary.
- (d) "Secretary" means the secretary of health and environment.
- (e) "Physician" means any person licensed to practice medicine and surgery.
- (f) "Laboratory director" means the person responsible for the professional, administrative, organizational and educational duties of a laboratory.
- (g) "HIV infection" means the presence of HIV in the body.
- (h) "Racial/ethnic group" shall be designated as either white, black, Hispanic, Asian/Pacific islander or American Indian/Alaskan Native.
- (i) "Corrections officer" means an employee of the department of corrections as ~~defined~~ described ~~in subsections (f) and (g) of K.S.A. 75-5202(f) and (g),~~ and amendments thereto.
- (j) "Emergency services employee" means an ~~attendant~~ emergency medical service provider as defined under K.S.A. 65-6112, and amendments thereto, or a firefighter.
- (k) "Law enforcement employee" means:
 - (1) Any police officer or law enforcement officer as defined under K.S.A. 74-5602, and amendments thereto;
 - (2) any person in the service of a city police department or county sheriff's office who performs law enforcement duties without pay and is considered a reserve officer;
 - (3) any person employed by a city or county who is in charge of a jail or section of jail, including jail guards and those who conduct searches of persons taken into custody; or
 - (4) any person employed by a city, county or the state of Kansas who works as a scientist or technician in a forensic laboratory.
- (l) "Employing agency or entity" means the agency or entity employing a corrections officer, emergency services employee, law enforcement employee or jailer.
- (m) "Infectious disease" means AIDS.
- (n) "Infectious disease tests" means tests approved by the secretary for detection of infectious diseases.
- (o) "Juvenile correctional facility staff" means an employee of the juvenile justice authority working in a juvenile correctional facility as defined in K.S.A. 2018 Supp. 38-2302, and amendments thereto.

Sec. 17. K.S.A. 65-4915 is hereby amended to read as follows: 65-4915. (a) As used in this section:

- (1) "Healthcare provider" means: (A) Those persons and entities defined as a health care provider under K.S.A. 40-3401, and amendments thereto; and (B) a dentist licensed by the Kansas dental board, a dental hygienist licensed by the Kansas dental board, a professional nurse licensed by the board of nursing, a practical nurse licensed by the board of nursing, a mental health technician licensed by the board of nursing, a physical therapist licensed by the state board of healing arts, a physical therapist assistant certified by the state board of healing arts, an occupational therapist licensed by the state board of healing arts, an occupational therapy assistant licensed by the state board of healing arts, a respiratory therapist licensed by the state board of healing arts, a physician assistant licensed by the state board of healing arts and ~~attendants~~ emergency

medical service provider and ambulance services certified by the emergency medical services board.

(2) "Healthcare provider group" means:

(A) A state or local association of healthcare providers or one or more committees thereof;

(B) the board of governors created under K.S.A. 40-3403, and amendments thereto;

(C) an organization of healthcare providers formed pursuant to state or federal law and authorized to evaluate medical and healthcare services;

(D) a review committee operating pursuant to K.S.A. 65-2840c, and amendments thereto;

(E) an organized medical staff of a licensed medical care facility as defined by K.S.A. 65-425, and amendments thereto, an organized medical staff of a private psychiatric hospital licensed under K.S.A. 2018 Supp. 39-2001 et seq., and amendments thereto, or an organized medical staff of a state psychiatric hospital or state institution for people with intellectual disability, as follows: Larned state hospital, Osawatimie state hospital, Rainbow mental health facility, Kansas neurological institute and Parsons state hospital and training center;

(F) a healthcare provider;

(G) a professional society of healthcare providers or one or more committees thereof;

(H) a Kansas corporation whose stockholders or members are healthcare providers or an association of healthcare providers, which corporation evaluates medical and health care services;

(I) an insurance company, health maintenance organization or administrator of a health benefits plan ~~which that~~ engages in any of the functions defined as peer review under this section; or

(J) the university of Kansas medical center.

(3) "Peer review" means any of the following functions:

(A) Evaluate and improve the quality of healthcare services rendered by healthcare providers;

(B) determine that health services rendered were professionally indicated or were performed in compliance with the applicable standard of care;

(C) determine that the cost of healthcare rendered was considered reasonable by the providers of professional health services in this area;

(D) evaluate the qualifications, competence and performance of the providers of healthcare or to act upon matters relating to the discipline of any individual provider of healthcare;

(E) reduce morbidity or mortality;

(F) establish and enforce guidelines designed to keep within reasonable bounds the cost of healthcare;

(G) conduct of research;

(H) determine if a hospital's facilities are being properly utilized;

(I) supervise, discipline, admit, determine privileges or control members of a hospital's medical staff;

(J) review the professional qualifications or activities of healthcare providers;

(K) evaluate the quantity, quality and timeliness of healthcare services rendered to patients in the facility;

(L) evaluate, review or improve methods, procedures or treatments being utilized by the medical care facility or by healthcare providers in a facility rendering healthcare.

(4) "Peer review officer or committee" means:

(A) An individual employed, designated or appointed by, or a committee of or employed, designated or appointed by, a healthcare provider group and authorized to perform peer review; or

(B) a healthcare provider monitoring the delivery of healthcare at correctional institutions under the jurisdiction of the secretary of corrections.

(b) Except as provided by K.S.A. 60-437, and amendments thereto, and by subsections (c) and (d), the reports, statements, memoranda, proceedings, findings and other records submitted to or generated by peer review committees or officers shall be privileged and shall not be subject to discovery, subpoena or other means of legal compulsion for their release to any person or entity or be admissible in evidence in any judicial or administrative proceeding. Information contained in such records shall not be discoverable or admissible at trial in the form of testimony by an individual who participated in the peer review process. The peer review officer or committee creating or initially receiving the record is the holder of the privilege established by this section. This privilege may be claimed by the legal entity creating the peer review committee or officer, or by the commissioner of insurance for any records or proceedings of the board of governors.

(c) Subsection (b) shall not apply to proceedings in which a healthcare provider contests the revocation, denial, restriction or termination of staff privileges or the license, registration, certification or other authorization to practice of the healthcare provider. A licensing agency in conducting a disciplinary proceeding in which admission of any peer review committee report, record or testimony is proposed shall hold the hearing in closed session when any such report, record or testimony is disclosed. Unless otherwise provided by law, a licensing agency conducting a disciplinary proceeding may close only that portion of the hearing in which disclosure of a report or record privileged under this section is proposed. In closing a portion of a hearing as provided by this section, the presiding officer may exclude any person from the hearing location except the licensee, the licensee's attorney, the agency's attorney, the witness, the court reporter and appropriate staff support for either counsel. The licensing agency shall make the portions of the agency record in which such report or record is disclosed subject to a protective order prohibiting further disclosure of such report or record. Such report or record shall not be subject to discovery, subpoena or other means of legal compulsion for their release to any person or entity. No person in attendance at a closed portion of a disciplinary proceeding shall at a subsequent civil, criminal or administrative hearing, be required to testify regarding the existence or content of a report or record privileged under this section that was disclosed in a closed portion of a hearing, nor shall such testimony be admitted into evidence in any subsequent civil, criminal or administrative hearing. A licensing agency conducting a disciplinary proceeding may review peer review committee records, testimony or reports but must prove its findings with independently obtained testimony or records that shall be presented as part of the disciplinary proceeding in open meeting of the licensing agency. Offering such testimony or records in an open public hearing shall not be deemed a waiver of the peer review privilege relating to any peer review committee testimony, records or report.

(d) Nothing in this section shall limit the authority that may otherwise be provided by law of the commissioner of insurance, the state board of healing arts or other healthcare provider licensing or disciplinary boards of this state to require a peer review committee or officer to report to it any disciplinary action or recommendation of such committee or officer; to transfer to it records of such committee's or officer's proceedings or actions to restrict or revoke the license, registration, certification or other authorization to practice of a healthcare provider; or to terminate the liability of the fund for all claims against a specific healthcare provider for damages for death or personal injury pursuant to K.S.A. 40-3403(i), and amendments thereto. Reports and records so furnished shall not be subject to discovery, subpoena or other means of legal compulsion for their release to any person or entity and shall not be admissible in evidence in any judicial or administrative proceeding other than a disciplinary proceeding by the state board of healing arts or other healthcare provider licensing or disciplinary boards of this state.

(e) A peer review committee or officer may report to and discuss its activities, information and findings to other peer review committees or officers or to a board of directors or an administrative officer of a healthcare provider without waiver of the privilege provided by subsection (b) and the records of all such committees or officers relating to such report shall be privileged as provided by subsection (b).

(f) Nothing in this section shall be construed to prevent an insured from obtaining information pertaining to payment of benefits under a contract with an insurance company, a health maintenance organization or an administrator of a health benefits plan.

Sec. 18. K.S.A. 65-6102 is hereby amended to read as follows: 65-6102. (a) There is hereby established the emergency medical services board. The office of the emergency medical services board shall be located in the city of Topeka, Kansas.

(b) The emergency medical services board shall be composed of 15 members to be appointed as follows:

(1) Eleven members shall be appointed by the governor. Of such members:

(A) Three shall be physicians who are actively involved in emergency medical services;

(B) two shall be county commissioners of counties making a levy for ambulance service, at least one of whom shall be from a county having a population of less than 15,000;

(C) one shall be an instructor-coordinator;

(D) one shall be a hospital administrator actively involved in emergency medical services;

(E) one shall be a member of a firefighting unit ~~which that~~ provides emergency medical service; and

(F) three shall be ~~attendants~~ emergency medical service providers who are actively involved in emergency medical service. At least two classifications of ~~attendants~~ emergency medical service providers shall be represented. At least one of such members shall be from a volunteer emergency medical service; and

(2) four members shall be appointed as follows:

(A) One shall be a member of the Kansas senate to be appointed by the president of the senate;

(B) one shall be a member of the Kansas senate to be appointed by the minority

leader of the senate;

(C) one shall be a member of the Kansas house of representatives to be appointed by the speaker of the house of representatives; and

(D) one shall be a member of the Kansas house of representatives to be appointed by the minority leader of the house of representatives.

~~(c)~~ All members of the board shall be residents of the state of Kansas. Appointments to the board shall be made with due consideration that representation of the various geographical areas of the state is ensured. The governor may remove any member of the board upon recommendation of the board. Any person appointed to a position on the board shall forfeit such position upon vacating the office or position ~~which that~~ qualified such person to be appointed as a member of the board.

~~(d)~~(d) Members shall be appointed for terms of four years and until their successors are appointed and qualified. In the case of a vacancy in the membership of the board, the vacancy shall be filled for the unexpired term.

~~(d)~~(e) The board shall meet at least ~~six~~ four times annually and at least once each quarter and at the call of the chairperson or at the request of the executive director of the emergency medical services board or of any seven members of the board. At the first meeting of the board after January 1 each year, the members shall elect a chairperson and a vice-chairperson who shall serve for a term of one year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson. If a vacancy occurs in the office of the chairperson or vice-chairperson, the board shall fill such vacancy by election of one of its members to serve the unexpired term of such office. Members of the board attending meetings of the board or attending a subcommittee meeting thereof authorized by the board shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

~~(f)~~(f) Except as otherwise provided by law, all vouchers for expenditures and all payrolls of the emergency medical services board shall be approved by the emergency medical services board or a person designated by the board.

Sec. 19. K.S.A. 65-6110 is hereby amended to read as follows: 65-6110. (a) The board shall adopt any rules and regulations necessary for the regulation of ambulance services. Such rules and regulations shall include: (1) A classification of the different types of ambulance services; (2) requirements as to equipment necessary for ambulances ~~and rescue vehicles~~; (3) qualifications and training of ~~attendants, emergency medical service providers and instructor-coordinators and training officers~~; (4) requirements and fees for the licensure, temporary licensure; and renewal of licensure for ambulances ~~and rescue vehicles~~; (5) records and equipment to be maintained by operators, instructor-coordinators, ~~training officers, providers of training sponsoring organizations and attendants~~ emergency medical service providers; (6) requirements for a quality assurance and improvement program for ambulance services; and (7) such other matters as the board deems necessary to implement and administer the provisions of this act.

(b) ~~The provisions of this act shall not apply to rescue vehicles operated by a fire department.~~

~~(e)~~ Nothing in this act or in the provisions of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, shall authorize the board to specify the individuals who may or may not ride on a helicopter while used as an ambulance.

Sec. 20. K.S.A. 65-6111 is hereby amended to read as follows: 65-6111. (a) The emergency medical services board shall:

- (1) Adopt any rules and regulations necessary to carry out the provisions of this act;
- (2) review and approve the allocation and expenditure of moneys appropriated for emergency medical services;
- (3) conduct hearings for all regulatory matters concerning ambulance services, ~~attendants~~ emergency medical service providers, instructor-coordinators, training officers and sponsoring organizations;
- (4) submit a budget to the legislature for the operation of the board;
- (5) develop a state plan for the delivery of emergency medical services;
- (6) enter into contracts as may be necessary to carry out the duties and functions of the board under this act;
- (7) review and approve all requests for state and federal funding involving emergency medical services projects in the state or delegate such duties to the executive director;
- (8) approve all training programs for ~~attendants, emergency medical service providers and~~ instructor-coordinators and ~~training officers and~~ prescribe certification application fees by rules and regulations;
- (9) approve methods of examination for certification of ~~attendants, training officers~~ emergency medical service providers and instructor-coordinators and prescribe examination fees by rules and regulations;
- (10) appoint a medical advisory council of not less than six members, including one board member who shall be a physician and not less than five other physicians who are active and knowledgeable in the field of emergency medical services who are not members of the board to advise and assist the board in medical standards and practices as determined by the board. The medical advisory council shall elect a chairperson from among its membership and shall meet upon the call of the chairperson; and
- (11) approve sponsoring organizations by prescribing standards and requirements by rules and regulations and withdraw or modify such approval in accordance with the Kansas administrative procedure act and the rules and regulations of the board.

(b) The emergency medical services board may grant a temporary variance from an identified rule or regulation when a literal application or enforcement of the rule or regulation would result in serious hardship and the relief granted would not result in any unreasonable risk to the public interest, safety or welfare.

(c) (1) In addition to or in lieu of any other administrative, civil or criminal remedy provided by law, the board, in accordance with the Kansas administrative procedure act, upon the finding of a violation of a provision of this act or the provisions of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, or rules and regulations adopted pursuant to such provisions may impose a fine on:

(A) ~~May impose a fine on~~ Any person granted a certificate by the board in an amount not to exceed \$500 for each violation; or

(B) ~~may impose a fine on~~ an ambulance service ~~which that~~ holds a permit to operate in this state or on a sponsoring organization in an amount not to exceed \$2,500 for each violation.

(2) All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire

amount in the state treasury to the credit of the state general fund.

(d) (1) In connection with any investigation by the board, the board or its duly authorized agents or employees shall at all reasonable times have access to, for the purpose of examination and the right to copy any document, report, record or other physical evidence of any person being investigated, or any document, report, record or other evidence maintained by and in possession of any clinic, laboratory, pharmacy, medical care facility or other public or private agency, if such document, report, record or evidence relates to professional competence, unprofessional conduct or the mental or physical ability of the person to perform activities the person is authorized to perform.

(2) For the purpose of all investigations and proceedings conducted by the board:

(A) The board may issue subpoenas compelling the attendance and testimony of witnesses or the production for examination or copying of documents or any other physical evidence if such evidence relates to professional competence, unprofessional conduct or the mental or physical ability of a person being investigated to perform activities the person is authorized to perform. Within five days after the service of the subpoena on any person requiring the production of any evidence in the person's possession or under the person's control, such person may petition the board to revoke, limit or modify the subpoena. The board shall revoke, limit or modify such subpoena if in its opinion the evidence required does not relate to practices ~~which that~~ may be grounds for disciplinary action, is not relevant to the charge ~~which that~~ is the subject matter of the proceeding or investigation; or does not describe with sufficient particularity the physical evidence ~~which that~~ is required to be produced. Any member of the board, or any agent designated by the board, may administer oaths or affirmations, examine witnesses and receive such evidence.

(B) Any person appearing before the board shall have the right to be represented by counsel.

(C) The district court, upon application by the board or by the person subpoenaed, shall have jurisdiction to issue an order:

(i) Requiring such person to appear before the board or the board's duly authorized agent to produce evidence relating to the matter under investigation; or

(ii) revoking, limiting or modifying the subpoena if in the court's opinion the evidence demanded does not relate to practices ~~which that~~ may be grounds for disciplinary action, is not relevant to the charge ~~which that~~ is the subject matter of the hearing or investigation or does not describe with sufficient particularity the evidence ~~which that~~ is required to be produced.

(3) Disclosure or use of any such information received by the board or of any record containing such information, for any purpose other than that provided by this subsection is a class A misdemeanor and shall constitute grounds for removal from office, termination of employment or denial, revocation or suspension of any certificate or permit issued under article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto. Nothing in this subsection shall be construed to make unlawful the disclosure of any such information by the board in a hearing held pursuant to this act.

(4) Patient records, including clinical records, medical reports, laboratory statements and reports, files, films, other reports or oral statements relating to diagnostic findings or treatment of patients, information from which a patient or a patient's family might be identified, peer review or risk management records or information received and records kept by the board as a result of the investigation procedure outlined in this

subsection shall be confidential and shall not be disclosed.

(5) Nothing in this subsection or any other provision of law making communications between a physician and the physician's patient a privileged communication shall apply to investigations or proceedings conducted pursuant to this subsection. The board and its employees, agents and representatives shall keep in confidence the names of any patients whose records are reviewed during the course of investigations and proceedings pursuant to this subsection.

(e) The emergency medical services board shall prepare an annual report on or before January 15 of each year on the number, amount and reasons for the fines imposed by the board and the number of and reasons for subpoenas issued by the board during the previous calendar year. The report shall be provided to the senate committee on federal and state affairs and the house committee on federal and state affairs.

Sec. 21. K.S.A. 65-6112 is hereby amended to read as follows: 65-6112. As used in this act:

(a) "Administrator" means the executive director of the emergency medical services board.

(b) "Advanced emergency medical technician" means a person who holds an advanced emergency medical technician certificate issued pursuant to this act.

(c) "Advanced practice registered nurse" means an advanced practice registered nurse as defined in K.S.A. 65-1113, and amendments thereto.

(d) "Ambulance" means any privately or publicly owned motor vehicle, airplane or helicopter designed, constructed, prepared, staffed and equipped for use in transporting and providing emergency care for individuals who are ill or injured.

(e) "Ambulance service" means any organization operated for the purpose of transporting sick or injured persons to or from a place where medical care is furnished, whether or not such persons may be in need of emergency or medical care in transit.

~~(f) "Attendant" means a first responder, an emergency medical responder, emergency medical technician, emergency medical technician-intermediate, emergency medical technician-defibrillator, emergency medical technician-intermediate/defibrillator, advanced emergency medical technician or paramedic certified pursuant to this act.~~

~~(g)~~ "Board" means the emergency medical services board established pursuant to K.S.A. 65-6102, and amendments thereto.

~~(h)~~^(g) "Emergency medical service" means the effective and coordinated delivery of such care as may be required by an emergency ~~which that~~ includes the care and transportation of individuals by ambulance services and the performance of authorized emergency care by a physician, advanced practice registered nurse, professional nurse, a licensed physician assistant or ~~attendant~~ emergency medical service provider.

(h) "Emergency medical service provider" means an emergency medical responder, advanced emergency medical technician, emergency medical technician or paramedic certified by the emergency medical services board.

(i) "Emergency medical technician" means a person who holds an emergency medical technician certificate issued pursuant to this act.

~~(j) "Emergency medical technician-defibrillator" means a person who holds an emergency medical technician-defibrillator certificate issued pursuant to this act.~~

~~(k) "Emergency medical technician-intermediate" means a person who holds an emergency medical technician-intermediate certificate issued pursuant to this act.~~

~~(d)~~ "Emergency medical technician-intermediate/defibrillator" means a person who holds both an emergency medical technician-intermediate and emergency medical technician-defibrillator certificate issued pursuant to this act.

~~(m)~~ "Emergency medical responder" means a person who holds an emergency medical responder certificate issued pursuant to this act.

~~(n)~~ "First responder" means a person who holds a first responder certificate issued pursuant to this act.

~~(k)~~ "Hospital" means a hospital as defined by K.S.A. 65-425, and amendments thereto.

~~(l)~~ "Instructor-coordinator" means a person who is certified under this act to teach or coordinate both initial certification and continuing education classes.

~~(m)~~ "Medical director" means a physician.

~~(n)~~ "Medical protocols" mean written guidelines ~~which that~~ authorize ~~attendants~~ emergency medical service providers to perform certain medical procedures prior to contacting a physician, physician assistant authorized by a physician, advanced practice registered nurse authorized by a physician or professional nurse authorized by a physician. The medical protocols shall be approved by a county medical society or the medical staff of a hospital to which the ambulance service primarily transports patients, or if neither of the above are able or available to approve the medical protocols, then the medical protocols shall be submitted to the medical advisory council for approval.

~~(o)~~ "Municipality" means any city, county, township, fire district or ambulance service district.

~~(p)~~ "Nonemergency transportation" means the care and transport of a sick or injured person under a foreseen combination of circumstances calling for continuing care of such person. As used in this subsection, transportation includes performance of the authorized level of services of the ~~attendant~~ emergency medical service provider whether within or outside the vehicle as part of such transportation services.

~~(q)~~ "Operator" means a person or municipality who has a permit to operate an ambulance service in the state of Kansas.

~~(r)~~ "Paramedic" means a person who holds a paramedic certificate issued pursuant to this act.

~~(s)~~ "Person" means an individual, a partnership, an association, a joint-stock company or a corporation.

~~(t)~~ "Physician" means a person licensed by the state board of healing arts to practice medicine and surgery.

~~(u)~~ "Physician assistant" means a physician assistant as defined in K.S.A. 65-28a02, and amendments thereto.

~~(v)~~ "Professional nurse" means a licensed professional nurse as defined by K.S.A. 65-1113, and amendments thereto.

~~(w)~~ "Sponsoring organization" means any professional association, accredited postsecondary educational institution, ambulance service ~~which that~~ holds a permit to operate in this state, fire department, other officially organized public safety agency, hospital, corporation, governmental entity or emergency medical services regional council, as approved by the executive director, to offer initial courses of instruction or continuing education programs.

~~(bb)~~ "Training officer" means a person who is certified pursuant to this act to teach or coordinate continuing education as prescribed by the board.

Sec. 22. K.S.A. 65-6119 is hereby amended to read as follows: 65-6119. ~~(a)~~ Notwithstanding any other provision of law, ~~mobile intensive care technicians may:~~

~~(1) Perform all the authorized activities identified in K.S.A. 65-6120, 65-6121, 65-6123, 65-6144, and amendments thereto;~~

~~(2) when voice contact or a telemetered electrocardiogram is monitored by a physician, physician assistant where authorized by a physician, an advanced practice registered nurse where authorized by a physician or licensed professional nurse where authorized by a physician and direct communication is maintained, and upon order of such person may administer such medications or procedures as may be deemed necessary by a person identified in subsection (a)(2);~~

~~(3) perform, during an emergency, those activities specified in subsection (a)(2) before contacting a person identified in subsection (a)(2) when specifically authorized to perform such activities by medical protocols; and~~

~~(4) perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by medical protocols.~~

~~(b) An individual who holds a valid certificate as a mobile intensive care technician once meeting the continuing education requirements prescribed by the rules and regulations of the board, upon application for renewal, shall be deemed to hold a certificate as a paramedic under this act, and such individual shall not be required to file an original application as a paramedic for certification under this act.~~

~~(c) "Renewal" as used in subsection (b), refers to the first opportunity that a mobile intensive care technician has to apply for renewal of a certificate following the effective date of this act.~~

~~(d) Upon transition notwithstanding any other provision of law, a paramedic may:~~

~~(1)(a) Perform all the authorized activities identified in K.S.A. 65-6120, 65-6121, 65-6144, and amendments thereto;~~

~~(2)(b) when voice contact or a telemetered electrocardiogram is monitored by a physician, physician assistant where authorized by a physician or an advanced practice registered nurse where authorized by a physician or licensed professional nurse where authorized by a physician and direct communication is maintained, and upon order of such person, may administer such medications or procedures as may be deemed necessary by a person identified in this subsection ~~(d)(2)~~;~~

~~(3)(c) perform, during an emergency, those activities specified in subsection ~~(d)(2)~~ (b) before contacting a person identified in subsection ~~(d)(2)~~ (b) when specifically authorized to perform such activities by medical protocols; and~~

~~(4)(d) perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by medical protocols.~~

Sec. 23. K.S.A. 65-6120 is hereby amended to read as follows: 65-6120. ~~(a)~~ Notwithstanding any other provision of law to the contrary, ~~an emergency medical technician intermediate may:~~

~~(1) Perform any of the activities identified by K.S.A. 65-6121(a), and amendments thereto;~~

~~(2) when approved by medical protocols or where voice contact by radio or telephone is monitored by a physician, physician assistant where authorized by a physician, advanced practice registered nurse where authorized by a physician or professional nurse where authorized by a physician, and direct communication is~~

maintained, upon order of such person, may perform venipuncture for the purpose of blood sampling collection and initiation and maintenance of intravenous infusion of saline solutions, dextrose and water solutions or ringers lactate IV solutions, endotracheal intubation and administration of nebulized albuterol;

(3) perform, during an emergency, those activities specified in subsection (a)(2) before contacting the persons identified in subsection (a)(2) when specifically authorized to perform such activities by medical protocols; or

(4) perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by medical protocols.

(b) An individual who holds a valid certificate as an emergency medical technician-intermediate once successfully completing the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, may apply to transition to become an advanced emergency medical technician. Alternatively, upon application for renewal, such individual shall be deemed to hold a certificate as an advanced emergency medical technician under this act, provided such individual has completed all continuing education hour requirements inclusive of the successful completion of a transition course and such individual shall not be required to file an original application for certification as an advanced emergency medical technician under this act.

(c) "Renewal" as used in subsection (b), refers to the first or second opportunity after December 31, 2011, that an emergency medical technician-intermediate has to apply for renewal of a certificate.

(d) Emergency medical technician-intermediates who fail to meet the transition requirements as specified may complete either the board prescribed emergency medical technician transition course or emergency medical responder transition course, provide validation of cognitive and psychomotor competency and all continuing education hour requirements inclusive of the successful completion of a transition course as determined by rules and regulations of the board. Upon completion, such emergency medical technician-intermediate may apply to transition to become an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Alternatively, upon application for renewal of an emergency medical technician-intermediate certificate, the applicant shall be renewed as an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Such individual shall not be required to file an original application for certification as an emergency medical technician or emergency medical responder.

(e) Failure to successfully complete either an advanced emergency medical technician transition course, an emergency medical technician transition course or emergency medical responder transition course will result in loss of certification.

(f) Upon transition, notwithstanding any other provision of law to the contrary, an advanced emergency medical technician may:

(1)(a) Perform any of the activities identified by K.S.A. 65-6121, and amendments thereto; and

(2)(b) perform any of the following interventions, by use of the devices, medications and equipment, or any combination thereof, as specifically identified in rules and regulations, after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by

medical protocols, or upon order when direct communication is maintained by radio, telephone or video conference with a physician, physician assistant where authorized by a physician, an advanced practice registered nurse where authorized by a physician, or professional nurse where authorized by a physician upon order of such a person: ~~(A)~~(1) Advanced airway management; ~~(B)~~(2) referral of patient of alternate medical care site based on assessment; ~~(C)~~(3) transportation of a patient with a capped arterial line; ~~(D)~~(4) veni-puncture for obtaining blood sample; ~~(E)~~(5) initiation and maintenance of intravenous infusion or saline lock; ~~(F)~~(6) initiation of intraosseous infusion; ~~(G)~~(7) nebulized therapy; ~~(H)~~(8) manual defibrillation; ~~(I)~~(9) cardiac monitoring; ~~(J)~~(10) electrocardiogram interpretation; ~~(K)~~(11) monitoring of a nasogastric tube; ~~(L)~~ and (12) administration of medications by methods as specified by rules and regulations of the board.

~~(g) An individual who holds a valid certificate as both an emergency medical technician-intermediate and as an emergency medical technician-defibrillator once successfully completing the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, may apply to transition to an advanced emergency medical technician. Alternatively, upon application for renewal, such individual shall be deemed to hold a certificate as an advanced emergency medical technician under this act, provided such individual has completed all continuing education hour requirements inclusive of successful completion of a transition course, and such individual shall not be required to file an original application for certification as an advanced emergency medical technician under this act.~~

~~(h) "Renewal" as used in subsection (g), refers to the first or second opportunity after December 31, 2011, that an emergency medical technician-intermediate and emergency medical technician-defibrillator has to apply for renewal of a certificate.~~

~~(i) An individual who holds both an emergency medical technician-intermediate certificate and an emergency medical technician-defibrillator certificate, who fails to meet the transition requirements as specified may complete either the board prescribed emergency medical technician transition course or emergency medical responder transition course, and provide validation of cognitive and psychomotor competency and all continuing education hour requirements inclusive of successful completion of a transition course as determined by rules and regulations of the board. Upon completion, such individual may apply to transition to become an emergency medical technician or emergency medical responder, depending on the transition course that was successfully completed. Alternatively, upon application for renewal of an emergency medical technician-intermediate certificate and an emergency medical technician-defibrillator certificate, the applicant shall be renewed as an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Such individual shall not be required to file an original application for certification as an emergency medical technician or emergency medical responder.~~

~~(j) Failure to successfully complete either the advanced emergency medical technician transition requirements, an emergency medical technician transition course or the emergency medical responder transition course will result in loss of certification.~~

Sec. 24. K.S.A. 65-6124 is hereby amended to read as follows: 65-6124. (a) No physician, physician assistant, advanced practice registered nurse or licensed professional nurse, who gives emergency instructions to an ~~attendant~~ emergency

medical service provider as defined by K.S.A. 65-6112, and amendments thereto, during an emergency, shall be liable for any civil damages as a result of issuing the instructions, except such damages ~~which that~~ may result from gross negligence in giving such instructions.

(b) ~~No attendant~~ emergency medical service provider as defined by K.S.A. 65-6112, and amendments thereto, who renders emergency care during an emergency pursuant to instructions given by a physician, the supervising physician for a physician assistant, advanced practice registered nurse or licensed professional nurse shall be liable for civil damages as a result of implementing such instructions, except such damages ~~which that~~ may result from gross negligence or by willful or wanton acts or omissions on the part of such ~~attendant~~ emergency medical service provider as defined by K.S.A. 65-6112, and amendments thereto.

(c) No person certified as an instructor-coordinator ~~and no training officer~~ shall be liable for any civil damages ~~which that~~ may result from such instructor-coordinator's ~~or training officer's~~ course of instruction, except such damages ~~which that~~ may result from gross negligence or by willful or wanton acts or omissions on the part of the instructor-coordinator ~~or training officer~~.

(d) No ~~medical adviser~~ director who reviews, approves and monitors the activities of ~~attendants~~ emergency medical service providers shall be liable for any civil damages as a result of such review, approval or monitoring, except such damages ~~which that~~ may result from gross negligence in such review, approval or monitoring.

Sec. 25. K.S.A. 65-6126 is hereby amended to read as follows: 65-6126. Each emergency medical service shall have a medical director appointed by the operator of the service to review and implement medical protocols, approve and monitor the activities, competency and education of the ~~attendants~~ emergency medical service providers. The board may approve an alternative procedure for medical oversight if no medical director is available.

Sec. 26. K.S.A. 65-6127 is hereby amended to read as follows: 65-6127. (a) Application for a permit to operate an ambulance service shall be made to the board by the operator of the ambulance service upon forms provided by the administrator and shall be accompanied by a permit fee ~~which that~~ shall be a base amount plus an amount for each vehicle used by such operator in such operator's ambulance service and ~~which that~~ shall be fixed by rules and regulations of the board to cover all or any part of the cost of regulation of ambulance services.

(b) The application shall state the name of the operator, the names of the ~~attendants~~ emergency medical service providers of such ambulance service, the primary territory for which the permit is sought, the type of service offered, the location and physical description of the facility whereby calls for service will be received, the facility wherein vehicles are to be garaged, a description of vehicles and other equipment to be used by the service and such other information as the board may require.

(c) Nothing in this act shall be construed as granting an exclusive territorial right to operate an ambulance service. Upon change of ownership of an ambulance service the permit issued to such service shall expire 60 days after the change of ownership.

Sec. 27. K.S.A. 65-6129 is hereby amended to read as follows: 65-6129. (a) (1) Application for an ~~attendant's~~ emergency medical service provider certificate shall be made to the board. The board shall not grant an ~~attendant's~~ emergency medical service provider certificate unless the applicant meets the following requirements:

(A) (i) Has successfully completed coursework required by the rules and regulations adopted by the board;

(ii) has successfully completed coursework in another jurisdiction that is substantially equivalent to that required by the rules and regulations adopted by the board; or

(iii) has provided evidence that such applicant holds a current and active certification with the national registry of emergency medical technicians, completed emergency medical technician training as a member of the army, navy, marine corps, air force, air or army national guard, coast guard or any branch of the military reserves of the United States that is substantially equivalent to that required by the rules and regulations adopted by the board, and such applicant separated from such military service with an honorable discharge;

(B) (i) has passed the examination required by the rules and regulations adopted by the board; or

(ii) has passed the certification or licensing examination in another jurisdiction that has been approved by the board; and

(C) has paid an application fee required by the rules and regulations adopted by the board.

(2) The board may grant an attendant's emergency medical service provider certificate to any applicant who meets the requirements under subsection (a)(1)(A)(iii) but was separated from such military service with a general discharge under honorable conditions.

~~(b) (1) The board shall not grant a temporary attendant's certificate unless the applicant meets the following requirements:~~

~~(A) If the applicant is certified or licensed as an attendant in another jurisdiction, but the applicant's coursework is determined not to be substantially equivalent to that required by the board, such temporary certificate shall be valid for one year from the date of issuance or until the applicant has completed the required coursework, whichever occurs first; or~~

~~(B) if the applicant has completed the required coursework, has taken the required examination, but has not received the results of the examination, such temporary certificate shall be valid for 120 days from the date of the examination.~~

~~(2) An applicant who has been granted a temporary certificate shall be under the direct supervision of a physician, a physician assistant, a professional nurse or an attendant holding a certificate at the same level or higher than that of the applicant. The emergency medical services board may require an original applicant for certification as an emergency medical services provider to be fingerprinted and submit to a state and national criminal history record check. The fingerprints shall be used to identify the applicant and to determine whether the applicant has a record of criminal history in this state or another jurisdiction. The emergency medical services board is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The emergency medical services board may use the information obtained from fingerprinting and the applicant's criminal history for purposes of verifying the identification of the applicant and making the official determination of the qualifications and fitness of the applicant to be issued or to maintain a certificate.~~

(2) Local and state law enforcement officers and agencies shall assist the

emergency medical services board in taking the fingerprints of applicants for license, registration, permit or certificate. The Kansas bureau of investigation shall release all records of adult convictions, nonconvictions or adjudications in this state and any other state or country to the emergency medical services board.

(3) The emergency medical services board may fix and collect a fee as may be required by the board in an amount equal to the cost of fingerprinting and the criminal history record check. The emergency medical services board shall remit all moneys received from the fees established by this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the emergency medical services criminal history and fingerprinting fund.

(4) There is hereby created in the state treasury the emergency medical services criminal history and fingerprinting fund. All moneys credited to the fund shall be used to pay the Kansas bureau of investigation for the processing of fingerprints and criminal history record checks for the emergency medical services board. The fund shall be administered by the emergency medical services board. All expenditures from the 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 chairperson of the emergency medical services board or the chairperson's designee.

(c) The board shall not grant an initial ~~emergency medical technician intermediate certificate~~, advanced emergency medical technician certificate, ~~mobile intensive care technician certificate~~ or paramedic certificate as a result of successful course completion in the state of Kansas, unless the applicant for such an initial certificate is certified as an emergency medical technician.

(d) An ~~attendant's~~ emergency medical service provider certificate shall expire on the date prescribed by the board. An ~~attendant's~~ emergency medical service provider certificate may be renewed for a period of two years upon payment of a fee as prescribed by rule and regulation of the board and upon presentation of satisfactory proof that the ~~attendant~~ emergency medical service provider has successfully completed continuing education as prescribed by the board.

(e) All fees received pursuant to the provisions of 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 emergency medical services operating fund established by K.S.A. 65-6151, and amendments thereto.

(f) If a person who was previously certified as an ~~attendant~~ emergency medical service provider applies for an ~~attendant's~~ emergency medical service provider's certificate after the certificate's expiration, the board may grant a certificate without the person completing an initial course of instruction or passing a certification examination if the person has completed education requirements and has paid a fee as specified in rules and regulations adopted by the board.

(g) The board shall adopt, through rules and regulations, a formal list of graduated sanctions for violations of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, ~~which that~~ shall specify the number and severity of violations for the imposition of each level of sanction.

Sec. 28. K.S.A. 65-6129a is hereby amended to read as follows: 65-6129a. (a) While engaged in a course of training or continuing education approved by the board

within a medical care facility, a student or ~~attendant~~ emergency medical service provider engaged in such training or continuing education shall be under the supervision of a physician or a professional nurse. While engaged in training or continuing education in emergency or nonemergency transportation outside a medical care facility, a student or ~~attendant~~ emergency medical service provider shall be under the direct supervision of an ~~attendant~~ emergency medical service provider who is at the minimum certified to provide the level of care for which the student is seeking certification or the ~~attendant~~ emergency medical service provider receiving the training is certified or shall be under the direct supervision of a physician or a professional nurse.

(b) Nothing in the provisions of article 61 of chapter 65 of the Kansas Statutes Annotated ~~or acts amendatory of the provisions thereof or supplemental, and amendments~~ thereto, shall be construed to preclude the provision of authorized activities by students enrolled in a training program while engaged in such program.

Sec. 29. K.S.A. 65-6129b is hereby amended to read as follows: 65-6129b. (a) Application for an instructor-coordinator's certificate shall be made to the board upon forms provided by the executive director. The board may grant an instructor-coordinator's certificate to an ~~attendant~~ emergency medical service provider who: (1) Has served as an ~~attendant~~ emergency medical service provider in the emergency medical services field during the preceding 12 months prior to applying for such certificate; (2) has made application within one year after successfully completing the training, approved by the board, in instructing and coordinating ~~attendant~~ emergency medical service provider training programs; (3) has passed an examination prescribed by the board; and (4) has paid a fee as prescribed by rules and regulations of the board.

(b) The board may grant an instructor-coordinator's certificate to a physician or a professional nurse who: (1) Has made application within one year after successfully completing the training, approved by the board, in instructing and coordinating ~~attendant~~ emergency medical service provider training programs; (2) has passed an examination prescribed by the board; and (3) has paid a fee as prescribed by rules and regulations of the board.

(c) An ~~instructor-coordinator's~~ instructor-coordinator certificate shall expire on the expiration date of the ~~attendant's~~ instructor-coordinator's emergency medical service provider certificate if the instructor-coordinator is an ~~attendant~~ emergency medical service provider or on the expiration date of the physician's or professional nurse's license if the instructor is a physician or professional nurse. An instructor-coordinator's certificate may be renewed for the same period as the ~~attendant's~~ emergency medical service provider certificate or the physician's or professional nurse's license upon payment of a fee as prescribed by rule and regulation of the board and upon presentation of satisfactory proof that the instructor-coordinator has successfully completed continuing education as prescribed by the board. The board may prorate to the nearest whole month the fee fixed under this subsection as necessary to implement the provisions of this subsection.

(d) An ~~instructor-coordinator's~~ instructor-coordinator certificate may be denied, revoked, limited, modified or suspended by the board or the board may refuse to renew such certificate if such individual:

(1) Does not hold an ~~attendant's~~ emergency medical service provider certificate or a physician's or professional nurse's license;

(2) has made misrepresentations intentionally in obtaining a certificate or renewing a certificate;

(3) has demonstrated incompetence or engaged in unprofessional conduct as defined by rules and regulations adopted by the board;

(4) has violated or aided and abetted in the violation of any provision of this act or rules and regulations adopted by the board; or

(5) has been convicted of any state or federal crime that is related substantially to the qualifications, functions and duties of an instructor-coordinator or any crime punishable as a felony under any state or federal statute, and the board determines that such individual has not been sufficiently rehabilitated to warrant the public trust. A conviction means a plea of guilty, a plea of nolo contendere or a verdict of guilty. The board may take disciplinary action pursuant to this section when the time for appeal has elapsed, or after the judgment of conviction is affirmed on appeal or when an order granting probation is made suspending the imposition of sentence.

(e) The board may deny, limit, modify, revoke or suspend a certificate or the board may refuse to renew such certificate in accordance with the provisions of the Kansas administrative procedure act.

(f) All fees received pursuant to this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(g) If a person who was previously certified as an instructor-coordinator applies for an instructor-coordinator certificate within two years of the date of its expiration, the board may grant a certificate without the person completing the training or passing an examination if the person complies with the other provisions of subsection (a) or (b) and completes continuing education requirements prescribed by the board.

Sec. 30. K.S.A. 65-6130 is hereby amended to read as follows: 65-6130. (a) The board may inquire into the operation of ambulance services and the conduct of ~~attendants~~ emergency medical service providers, and may conduct periodic inspections of facilities, communications services, materials and equipment at any time without notice.

(b) The board may issue subpoenas in accordance with the provisions of K.S.A. 65-6111(d), and amendments thereto, to compel an operator holding a permit to make access to or for the production of records regarding services performed and to furnish such other information as the board may require to carry out the provisions of this act to the same extent and subject to the same limitations as would apply if the subpoenas were issued or served in aid of a civil action in the district court. A copy of such records shall be kept in the operator's files for a period of not less than three years.

(c) The board also may require operators to submit lists of personnel employed and to notify the board of any changes in personnel or in ownership of the ambulance service.

Sec. 31. K.S.A. 65-6133 is hereby amended to read as follows: 65-6133. (a) An ~~attendant's~~ emergency medical service provider certificate may be denied, revoked, limited, modified or suspended by the board or the board may refuse to renew such certificate upon proof that such individual:

(1) Has made intentional misrepresentations in obtaining a certificate or renewing a certificate;

(2) has performed or attempted to perform activities not authorized by statute at the level of certification held by the individual;

(3) has demonstrated incompetence as defined by rules and regulations adopted by the board or has provided inadequate patient care as determined by the board;

(4) has violated or aided and abetted in the violation of any provision of this act or the rules and regulations adopted by the board;

(5) has been convicted of a felony and, after investigation by the board, it is determined that such person has not been sufficiently rehabilitated to warrant the public trust;

(6) has demonstrated an inability to perform authorized activities with reasonable skill and safety by reason of illness, alcoholism, excessive use of drugs, controlled substances or any physical or mental condition;

(7) has engaged in unprofessional conduct, as defined by rules and regulations adopted by the board; or

(8) has had a certificate, license or permit to practice emergency medical services as an ~~attendant~~ emergency medical service provider denied, revoked, limited or suspended or has been publicly or privately censured, by a licensing or other regulatory authority of another state, agency of the United States government, territory of the United States or other country or has had other disciplinary action taken against the applicant or holder of a permit, license or certificate by a licensing or other regulatory authority of another state, agency of the United States government, territory of the United States or other 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 or other regulatory authority of another state, agency of the United States government, territory of the United States or other country shall constitute prima facie evidence of such a fact for purposes of this paragraph.

(b) The board may deny, limit, modify, revoke or suspend an ~~attendant's~~ emergency medical service provider certificate or the board may refuse to renew such certificate in accordance with the provisions of the Kansas administrative procedure act.

Sec. 32. K.S.A. 65-6135 is hereby amended to read as follows: 65-6135. (a) All ambulance services providing emergency care as defined by the rules and regulations adopted by the board shall offer service 24 hours per day every day of the year.

(b) Whenever an operator is required to have a permit, at least one person on each vehicle providing emergency medical service shall be an ~~attendant~~ emergency medical service provider certified pursuant to K.S.A. 65-6119, 65-6120 or 65-6121, and amendments thereto, a physician, a physician assistant, an advanced practice registered nurse or a professional nurse.

Sec. 33. K.S.A. 65-6145 is hereby amended to read as follows: 65-6145. Nothing in this act shall be construed: (a) To preclude any municipality from licensing or otherwise regulating ~~first~~ emergency medical responders operating within its jurisdiction, but any licensing requirements or regulations imposed by a municipality shall be in addition to and not in lieu of the provisions of this act and the rules and regulations adopted pursuant to this act;

(b) to preclude any person certified as an ~~attendant~~ emergency medical service provider from providing emergency medical services to persons requiring such services; or

(c) to preclude any individual who is not a certified ~~attendant~~ emergency medical

service provider as defined by K.S.A. 65-6112, and amendments thereto, from providing assistance during an emergency so long as such individual does not represent oneself to be an ~~attendant emergency medical service provider~~ as defined by K.S.A. 65-6112, and amendments thereto.

Sec. 34. K.S.A. 65-6150 is hereby amended to read as follows: 65-6150. (a) It shall be unlawful for any individual to represent oneself as an ~~attendant emergency medical service provider~~ or instructor-coordinator unless such individual holds a valid certificate as such under this act.

(b) Any violation of subsection (a) shall constitute a class B misdemeanor.

Sec. 35. K.S.A. 74-4954a is hereby amended to read as follows: 74-4954a. (a) As used in this section "emergency medical service technician" means any ~~attendant emergency medical service provider~~ as defined by ~~subsection (d) of~~ K.S.A. 65-6112, and amendments thereto, who is certified pursuant to K.S.A. 65-6129, and amendments thereto.

(b) For the purposes of any affiliation under subsection (c), whenever the word "fireman" is used in article 49 of chapter 74, and amendments thereto, it shall be construed to include "emergency medical service technician" as defined by subsection (a).

(c) Any county or city providing emergency medical service as a third function apart from police and fire, as an eligible employer under the Kansas police and firemen's retirement system, may make application or supplemental application to affiliate with the Kansas police and firemen's retirement system in accordance with and subject to K.S.A. 74-4954, and amendments thereto, with regard to coverage of emergency medical service technicians under that system.

Sec. 36. K.S.A. 2018 Supp. 75-4364 is hereby amended to read as follows: 75-4364. (a) As used in this section:

(1) "Dependent" means: (A) A birth child, adopted child or stepchild; or (B) any child other than the foregoing who is actually dependent in whole or in part on the individual and who is related to such individual by marriage or consanguinity.

(2) "Emergency medical ~~services attendant service provider~~" means ~~an attendant as defined by the same as defined in~~ K.S.A. 65-6112, and amendments thereto.

(3) "Firefighter" means a person who is: (A) Employed by any city, county, township or other political subdivision of the state and who is assigned to the fire department thereof and engaged in the fighting and extinguishment of fires and the protection of life and property therefrom; or (B) a volunteer member of a fire district, fire department or fire company.

(4) "Kansas educational institution" means and includes community colleges, the municipal university, state educational institutions, the institute of technology at Washburn university and technical colleges.

(5) "Law enforcement officer" means a person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for violation of the laws of the state of Kansas or ordinances of any municipality thereof or with a duty to maintain or assert custody or supervision over persons accused or convicted of crime, and includes wardens, superintendents, directors, security personnel, officers and employees of adult and juvenile correctional institutions, jails or other institutions or facilities for the detention of persons accused or convicted of crime, while acting within the scope of their authority.

(6) "Military service" means any active service in any armed service of the United States and any active state or federal service in the Kansas army or air national guard.

(7) "Prisoner of war" means any person who was a resident of Kansas at the time the person entered service of the United States armed forces and who, while serving in the United States armed forces, has been declared to be a prisoner of war, as established by the United States secretary of defense, after January 1, 1960.

(8) "Public safety officer" means a law enforcement officer or a firefighter or an emergency medical services attendant service provider.

(9) "Resident of Kansas" means a person who is a domiciliary resident as defined by K.S.A. 76-729, and amendments thereto.

(10) "Spouse" means the spouse of a deceased public safety officer or deceased member of the military service who has not remarried.

(11) "State board" means the state board of regents.

(b) Every Kansas educational institution shall provide for enrollment without charge of tuition or fees for: (1) Any dependent or spouse of a public safety officer who died as the result of injury sustained while performing duties as a public safety officer so long as such dependent or spouse is eligible; (2) any dependent or spouse of any resident of Kansas who died on or after September 11, 2001, while, and as a result of, serving in military service; and (3) any prisoner of war. Any such dependent or spouse and any prisoner of war shall be eligible for enrollment at a Kansas educational institution without charge of tuition or fees for not to exceed 10 semesters of undergraduate instruction, or the equivalent thereof, at all such institutions.

(c) Subject to appropriations therefor, any Kansas educational institution, at which enrollment, without charge of tuition or fees, of a prisoner of war or a dependent or spouse is provided for under subsection (b), may file a claim with the state board for reimbursement of the amount of such tuition and fees. The state board shall include in its budget estimates pursuant to K.S.A. 75-3717, and amendments thereto, a request for appropriations to cover tuition and fee claims pursuant to this section. The state board shall be responsible for payment of reimbursements to Kansas educational institutions upon certification by each such institution of the amount of reimbursement to which entitled. Payments to Kansas educational institutions shall be made upon vouchers approved by the state board and upon warrants of the director of accounts and reports. Payments may be made by issuance of a single warrant to each Kansas educational institution at which one or more eligible dependents or spouses or prisoners of war are enrolled for the total amount of tuition and fees not charged for enrollment at that institution. The director of accounts and reports shall cause such warrant to be delivered to the Kansas educational institution at which any such eligible dependents or spouses or prisoners of war are enrolled. If an eligible dependent or spouse or prisoner of war discontinues attendance before the end of any semester, after the Kansas educational institution has received payment under this subsection, the institution shall pay to the state the entire amount ~~which that~~ such eligible dependent or spouse or prisoner of war would otherwise qualify to have refunded, not to exceed the amount of the payment made by the state in behalf of such dependent or spouse or prisoner of war for the semester. All amounts paid to the state by Kansas educational institutions under this subsection shall be deposited in the state treasury and credited to the state general fund.

(d) The state board shall adopt rules and regulations for administration of the provisions of this section and shall determine the qualification of persons as dependents

and spouses of public safety officers or United States military personnel and the eligibility of such persons for the benefits provided for under this section.

Sec. 37. K.S.A. 2018 Supp. 75-5664 is hereby amended to read as follows: 75-5664. (a) There is hereby established an advisory committee on trauma. The advisory committee on trauma shall be advisory to the secretary of health and environment and shall be within the division of public health of the department of health and environment as a part thereof.

(b) On July 1, 2001, the advisory committee on trauma in existence immediately prior to July 1, 2001, is hereby abolished and a new advisory committee on trauma is created in accordance with this section. The terms of all members of the advisory committee on trauma in existence prior to July 1, 2001, are hereby terminated. On and after July 1, 2001, the advisory committee on trauma shall be composed of 24 members representing both rural and urban areas of the state appointed as follows:

(1) Two members shall be persons licensed to practice medicine and surgery appointed by the governor. At least 30 days prior to the expiration of terms described in this section, for each member to be appointed under this section, the Kansas medical society shall submit to the governor a list of three names of persons of recognized ability and qualification. The governor shall consider such list of persons in making appointments to the board under this paragraph.

(2) One member shall be licensed to practice osteopathic medicine appointed by the governor. At least 30 days prior to the expiration of the term of the member appointed under this section, the Kansas association of osteopathic medicine shall submit to the governor a list of three persons of recognized ability and qualification. The governor shall consider such list of persons in making appointments to the board under this paragraph.

(3) Three members shall be representatives of hospitals appointed by the governor. At least 30 days before the expiration of terms described in this section, for each member to be appointed under this section, the Kansas hospital association shall submit to the governor a list of three names of persons of recognized ability and qualification. The governor shall consider such list of persons in making appointments to the board under this paragraph.

(4) Two members shall be licensed professional nurses specializing in trauma care or emergency nursing appointed by the governor. At least 30 days before the expiration of terms described in this section, for each member to be appointed under this section, the Kansas state nurses association shall submit to the governor a list of three names of persons of recognized ability and qualification. The governor shall consider such list of persons in making appointments to the board under this paragraph.

(5) Two members shall be ~~attendants~~ emergency medical service providers as defined in K.S.A. 65-6112, and amendments thereto, who are on the roster of an ambulance service permitted by the board of emergency medical services. At least 30 days prior to the expiration of one of these positions, the Kansas emergency medical services association shall submit to the governor a list of three persons of recognized ability and qualification. The governor shall consider such list of persons in making this appointment to the board. For the other member appointed under this section, at least 30 days prior to the expiration of the term of such member, the Kansas emergency medical technician association shall submit a list of three persons of recognized ability and qualification. The governor shall consider such list of persons in making appointments

to the board under this paragraph.

(6) Two members shall be administrators of ambulance services, one rural and one urban, appointed by the governor. At least 30 days prior to the expiration of the terms of such members, the Kansas emergency medical services association and Kansas emergency medical technician association in consultation shall submit to the governor a list of four persons of recognized ability and qualification. The governor shall consider such list of persons in making this appointment to the board under this paragraph.

(7) Six members shall be representatives of regional trauma councils, one per council, appointed by the governor. At least 30 days prior to the expiration of one of these positions, the relevant regional trauma council shall submit to the governor a list of three persons of recognized ability and qualification. The governor shall consider such list of persons in making these appointments to the board.

(8) The secretary of health and environment or the secretary's designee of an appropriately qualified person shall be an ex officio representative of the department of health and environment.

(9) The chairperson of the ~~board~~ of emergency medical services board or the chairperson's designee shall be an ex officio member.

(10) Four legislators selected as follows shall be members: The chairperson and ranking minority member or their designees of the committee on health and human services of the house of representatives, and the chairperson and ranking minority member or their designees from the committee on public health and welfare of the senate shall be members.

(c) All members shall be residents of the state of Kansas. Particular attention shall be given so that rural and urban interests and geography are balanced in representation. Organizations that submit lists of names to be considered for appointment by the governor under this section shall insure that names of people who reside in both rural and urban areas of the state are among those submitted. At least one person from each congressional district shall be among the members. Of the members appointed under subsection (b)(1) through (b)(7): Six shall be appointed to initial terms of two years; six shall be appointed to initial terms of three years; and six shall be appointed to initial terms of four years. Thereafter members shall serve terms of four years and until a successor is appointed and qualified. In the case of a vacancy in the membership of the advisory committee, the vacancy shall be filled for the unexpired term in like manner as that provided in subsection (b).

(d) The advisory committee shall meet quarterly and at the call of the chairperson or at the request of a majority of the members. At the first meeting of the advisory committee after July 1 each year, the members shall elect a chairperson and vice-chairperson who shall serve for terms of one year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson.

(e) The advisory committee shall be advisory to the secretary of health and environment on all matters relating to the implementation and administration of this act.

(f) (1) Any meeting of the advisory committee or any part of a meeting of the advisory committee during which a review of incidents of trauma injury or trauma care takes place shall be conducted in closed session. The advisory committee and officers thereof when acting in their official capacity in considering incidents of trauma injury or trauma care shall constitute a peer review committee and peer review officers for all purposes of K.S.A. 65-4915, and amendments thereto.

(2) The advisory committee or an officer thereof may advise, report to and discuss activities, information and findings of the committee—~~which that~~ relate to incidents of trauma injury or trauma care with the secretary of health and environment as provided in subsections (a) and (e) without waiver of the privilege provided by this subsection and K.S.A. 65-4915, and amendments thereto, and the records and findings of such committee or officer—~~which that~~ are privileged under this subsection and K.S.A. 65-4915, and amendments thereto, shall remain privileged as provided by this subsection and K.S.A. 65-4915, and amendments thereto, prior to July 1, 2021.

(3) The provisions of this subsection shall expire on July 1, 2021, unless the legislature reviews and reenacts this provision prior to July 1, 2021.

(g) Members of the advisory committee attending meetings of the advisory committee or attending a subcommittee of the advisory committee or other authorized meeting of the advisory committee shall not be paid compensation but shall be paid amounts provided in K.S.A. 75-3223(e), and amendments thereto.

Sec. 38. K.S.A. 80-1557 is hereby amended to read as follows: 80-1557. (a) As used in this section:

(1) "Rescue service" means a service—~~which that~~ provides emergency care by qualified personnel through a township or fire district fire department.

(2) "Emergency care" means the services provided after the onset of a medical condition manifesting itself by acute symptoms of sufficient severity such that the absence of immediate medical attention could reasonably be expected to: (A) Place the patient's health in serious jeopardy; (B) seriously impair bodily functions; or (C) result in serious dysfunction of any bodily organ or part.

(3) "Qualified personnel" means any individual who holds a certificate as an attendant emergency medical service provider as defined in K.S.A. 65-6112, and amendments thereto.

(4) "Township" means any township—~~which that~~ has established a fire department pursuant to K.S.A. 80-1901 et seq., and amendments thereto.

(5) "Fire district" means any fire district—~~which that~~ has established a fire department pursuant to K.S.A. 80-1540 et seq., and amendments thereto.

(b) The township board or governing body of the fire district may authorize the township or fire district fire department to provide rescue service as a township or fire district function, within or without the township or fire district, or may contract with any person or governmental entity for the furnishing of rescue service and upon such terms and conditions, and for such compensation as may be agreed upon which shall be payable from the township general fund or the fire fund or the fire district fund.

(c) The township board or governing body of the fire district may establish charges to persons receiving rescue service inside or outside of such township or fire district. The charges so made and received shall be deposited in the general funds of the township or fire district, and the same may be used in addition to funds received under the tax levies authorized by K.S.A. 80-1546 and 80-1903, and amendments thereto.

(d) Qualified personnel providing rescue service shall be compensated in the same manner as other fire department employees and volunteers as provided by K.S.A. 80-1544 and 80-1904, and amendments thereto.

Sec. 39. K.S.A. 65-16,127, 65-1728, 65-2891, 65-2913, 65-4915, 65-6001, 65-6102, 65-6110, 65-6111, 65-6112, 65-6119, 65-6120, 65-2123, 65-6124, 65-6126, 65-6127, 65-6129, 65-6129a, 65-6129b, 65-6129c, 65-6130, 65-6133, 65-6135, 65-6145,

65-6150, 74-4954a and 80-1557 and K.S.A. 2018 Supp. 8-1,159, 21-6326, 39-1402, 39-1431, 40-2141, 44-131, 44-508, 44-510h, 44-511, 44-1204, 75-4364 and 75-5664 are hereby repealed.";

And by renumbering sections accordingly;

Also on page 1, in the title, by striking all in lines 1 and 2; in line 3, by striking all before the period and inserting "AN ACT concerning emergency medical services; relating to the emergency medical services board; powers and duties thereof; authorized activities of certain emergency medical services providers; creating the designation of inactive certificate; establishing the medical services criminal history and fingerprinting fund; updating terminology and references related thereto; amending K.S.A. 65-16,127, 65-1728, 65-2891, 65-2913, 65-4915, 65-6001, 65-6102, 65-6110, 65-6111, 65-6112, 65-6119, 65-6120, 65-6124, 65-6126, 65-6127, 65-6129, 65-6129a, 65-6129b, 65-6130, 65-6133, 65-6135, 65-6145, 65-6150, 74-4954a and 80-1557 and K.S.A. 2018 Supp. 8-1,159, 21-6326, 39-1402, 39-1431, 40-2141, 44-131, 44-508, 44-510h, 44-511, 44-1204, 75-4364 and 75-5664 and repealing the existing sections; also repealing K.S.A. 65-6123 and 65-6129c";

And your committee on conference recommends the adoption of this report.

JOHN BARKER

FRANCIS AWERKAMP

Conferees on part of House

BUD ESTES

ROB OLSON

OLETHA FAUST-GOUDEAU

Conferees on part of Senate

Senator Estes moved the Senate adopt the Conference Committee Report on **SB 53**.

On roll call, the vote was: Yeas 39; Nays 1; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn.

Nays: Hilderbrand.

The Conference Committee Report was adopted.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2203**.

The House adopts the Conference Committee report on **HB 2290**.

The House adopts the Conference Committee report on **HB 2248**.

Announcing adoption of **HCR 5014**.

HCR 5014 was introduced and read by title.

On motion of Senator Denning an emergency was declared, the rules suspended and **HCR 5014** relating to adjournment of the legislature for a time during the 2019 session was adopted by voice vote.

ORIGINAL MOTION

Pursuant to Senate Rule 11(b), I move to withdraw Senate Concurrent Resolution No. 1610 from the Committee on Judiciary and the bill be placed on the calendar under the order of business General Orders.

SCR 1610 is a Constitutional Amendment that reforms our judicial selection system for the Kansas Supreme Court by using a system similar to the federal model. The governors would select Supreme Court nominees of their choice and that nomination would be subject to Senate confirmation.

The purpose of this motion is to allow for a debate and vote on this critical reform on the floor in this legislative session.

The issue of Judicial Selection Reform has been before this body going all the way back to 2005 when Senator Wagle and then Senator, now Attorney General, Schmidt sponsored SJR 1606 which would have made Senate Confirmation part of the Supreme Court selection process.

Over the past 15 years various proposals to reform our flawed lawyer controlled system have been discussed in great detail. The reasons for this motion is that in the last few weeks two separate occurrences have made it clear that Kansas can simply wait no longer to repair its broken Supreme Court selection process:

First, we had the embarrassing spectacle of the nomination of Judge Jack, who would be on the Kansas Court of Appeals if not for the fact we adopted the federal model for that court several years ago. The current governor used a nominating commission to recommend Judge Jack, but it was only the reality of Senate Confirmation that saved the people of Kansas from that deeply flawed nomination.

Second, just last week, the Kansas Supreme Court inserted an un-fettered right to abortion into our 1859 State Constitution.. As Justice Stegall noted in his dissent, “For the majority, the settled and carefully calibrated republican structure of our government must give way, at every turn, to [their] favored policy.” This ruling was made possible by a flawed system which is rigged to allow justices with radical judicial philosophies to be appointed to the Supreme Court without the check of Senate confirmation.

Both of these instances highlight the need to immediately address our defective judicial selection system and let Kansans know where Senators stand. Do we stand for checks and balances, or do we stand for consolidating power in the hands of a few narrow interests? Do we stand for good government, or do we continue to allow a flawed system to perpetuate and produce even more extreme rulings and results?

The nominating commission system is fundamentally flawed in several respects – the absence of Senate confirmation; the fact that the governor is forced to choose one of the three nominees or it goes to the Chief Justice; the fact no justice is ever not retained; and the makeup of the commission itself. While several states use some form of a nominating commission, Kansas is the only state in the nation where lawyers selected by other lawyers are a majority of the commission, thereby always controlling the process.

The beauty of a Constitutional Amendment is that the people will ultimately decide. Do they want the current method, in which there are no checks and balances and lawyers selected by other lawyers control the system; and system that has produced a court of radical justices who hold the values of the people of Kansas in contempt? Or do they want the federal model, which has stood the test of time for the entirety of our nation’s history and has produced a balanced court in which judicial philosophies run

the gamut?

The Kansas Senate has debated this issue before; but recent events indicate the time has come to consider the issue again and vote on the matter before we adjourn.—TY
MASTERTSON

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Wednesday, May 29, 2019.

Journal of the Senate

FIFTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, May 14, 2019, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 39 senators present.

Senator Givens was excused.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, on three different occasions, in the book of Acts 10:15, You told Peter, when You have smiled on a group of people and declared them as proper in Your eyes, to never look down on them, or say they are unfit. Then in verse 28, we see that Peter heard You. He began to advocate and champion the idea of looking at people from Your perspective, through Your Eyes.

It was May 17th, 1954, that our society was again challenged in the Brown v. Board of Education ruling, to start looking at African Americans and people of different ethnicities from Your perspective, again, through Your Eyes. Lord, as that decision helped to inspire the Civil Rights movement of the 50's and 60's, so let its Anniversary re-inspire. Use the ongoing celebrations to remind us that Your love, grace and mercies are extended to all of us equally. And all we need is to be open, to be receptive.

So, help us Lord! Help us to stop comparing ourselves to ourselves by ourselves. You've made us all different, but the goal for all of us is to be like You. So Lord, as we exercise the levels of influence You've given us let our history reflect that not only were we recipients of Your love, Your grace and Your mercy, but we were also impartial distributors; conduits letting You flow through.

I come to You in the Name of Your Son, the One Who Loved Us To Death. Amen!

The Pledge of Allegiance was led by President Wagle.

MESSAGES FROM THE GOVERNOR

March 15, 2019

To the Senate of the State of Kansas

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

LAURA KELLY
Governor

Judge, Kansas Court of Appeals, Jeffrey Jack, Parsons, pursuant to the authority vested in me by the K.S.A. 20-3020 and effective upon the date of confirmation by the

Senate, to serve for the duration as outlined in/by K.S.A. 20-3010, to succeed Patrick McAnany.

REFERENCE OF APPOINTMENTS

The President referred the appointment of Jeffrey Jack to the full Senate for debate.

CONSIDERATION OF APPOINTMENTS

In accordance with Senate Rule 55, the following appointment, submitted by the Governor to the Senate for confirmation was considered. Senator Denning moved the following appointment be confirmed.

By the Governor

On the appointment to the:

Kansas Court of Appeals:

Jeffrey Jack

On roll call, the vote was: Yeas 0; Nays 38; Present and Passing 1; Absent or Not Voting 1.

Nays: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Goddard, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn.

Present and Passing: Haley.

Absent or Not Voting: Givens.

The appointment was not confirmed.

EXPLANATION OF VOTE

Madam President: I am totally frustrated with a nomination and confirmation process that can be characterized as a cluster gaggle. To begin with, we wouldn't be here if the governor's staff had completed a thorough vetting of the candidate. Following the failure to vet in depth, the Governor made her nomination and submitted it to the Senate late. In the meantime certain social media postings by the candidate came to light that stirred up a firestorm of controversy. As a result the Governor withdrew her nomination and Judge Jack indicated he would not serve on the Appellate Court. So we are here today, at taxpayer expense, due to a Kansas Supreme Court ruling that would seat Judge Jack unless the Senate votes not to confirm him even though the Governor has withdrawn her nomination, Judge Jack indicated he would not serve and the Senate Judiciary Committee never had the opportunity to conduct a confirmation hearing. We should all be upset with a failed bureaucratic process and commit to fixing it during the 2020 legislative session. My vote stands as a No.—DAN GODDARD

Madam President: I respectfully Vote "Present and Passing" on the nomination of Judge Jeffrey Jack to the Kansas Court of Appeals. Suffice it to say, based on the full review of social media dialogue ascribed to him after the thorough review of his judicial temperament, ability to render unbiased decisions and overall qualifications as adjudicated by the Judicial Selection, I could not be (were this debate and vote on the "other foot") the 21st vote to confirm him. However, Madame President, (and, apparently, ever other Member of the Chamber), I actually worked with Jeffrey Jack

when, as a colleague in the House and I, of course, the Senate, we actually served and often debated issues on our respective Judiciary and Joint committees. He, a Republican, and I, a Democrat, (as was sometimes even true too with now Court of Appeals Judge and former Kansas State Representative Anthony Powell) were very opinionated in our personal ideals but would always listen to the pros and cons of conferees before making our decisions. Apparently, this skilled dichotomy has followed the Judge in his service on the bench as an impartial and fair jurist leading professionals and laypeople to recommend him to the Governor among and over other distinguished nominees. I remain a staunch proponent of the Judicial Selection committee process, where the insights of many are employed prior to recommendation for appointment, to that of a solo, often purely ideologue-driven selection by the Executive branch prior to our Senate deliberations. I respect the nominee enough and the process enough to merely break the Body's unanimity on this vote. As outlined in the previous paragraph, obviously you here do not know Jack as I and others do.—DAVID HALEY

MESSAGES FROM THE GOVERNOR

May 14, 2019

To the Senate of the State of Kansas

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

LAURA KELLY
Governor

Judge, Kansas Court of Appeals, Sarah Warner, Lenexa, (R) pursuant to the authority vested in me by the K.S.A. 20-3020 and effective upon the date of confirmation by the Senate, to serve for the duration as outlined in/by K.S.A. 20-3010, to succeed Patrick McAnany.

REFERENCE OF APPOINTMENTS

The following appointment made by the Governor and submitted to the Senate for confirmation, was referred by the Senate President to Committee as indicated:

Judge, Kansas Court of Appeals:

Sarah Warner

(Judiciary)

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Wednesday, May 29, 2019.

Journal of the Senate

SIXTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, May 29, 2019, 10:00 a.m.

As provided by **HCR 5014**, the Sine Die Session of the regular 2019 Kansas Senate was called to order by President Susan Wagle.

The roll was called with 38 senators present.

Senators Hawk and Skubal were excused.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, I want to thank You, that in spite of last night's storm damage, most of us made it through. And for those who suffered loss, please bless, encourage and replenish.

Lord, as we gather today, we're looking at the end of this session, but we're also looking at beginning, the start of another chapter. The same way that we've needed Your wisdom and guidance up to now, we'll need it going forward. The same way that we've needed Your oversight and protection, we're still going to need it. Thanks for the confidence You give us, through faith in the certainty of Your Word.

Lord, You used the Hebrew writer in chapter 13:5b-6, to remind us of the promise You have made to Your people. In Joshua 1:5, and Matthew 28:20, that You said You'd never leave, nor forsake; the promise of Your continued presence and Your continued help.

So, Lord, as we turn to leave these hallowed halls, help us to continue practicing Your presence in all that we say and do. While continuing daily in ongoing prayer, I conclude these words today, in the precious Name of Jesus, Amen.

The Pledge of Allegiance was led by President Wagle.

MESSAGE FROM THE GOVERNOR

May 3, 2019

Enclosed herewith is Executive Directive No. 19-501 for your information.

May 20, 2019

Enclosed herewith is Executive Directives No. 19-502 and 19-503 for your information.

LAURA KELLY
Governor

The President announced that these documents are on file in the office of the Secretary of the Senate and available for review at any time.

MESSAGE FROM THE GOVERNOR

SB 18, SB 20 signed on May 13, 2019.

SB 53 and **SB 63** signed on May 16, 2019.

SB 28 signed May 20, 2019.

**MESSAGE FROM THE GOVERNOR
REGARDING HOUSE SUBSTITUTE FOR SENATE BILL 25**

May 20, 2019

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return **H Sub for SB 25** with my signature approving the bill, except for the items enumerated below. The net effect of these line-item vetoes will increase the FY19 ending balance to \$871 million, or 12.2 percent, and increase the FY20 ending balance to \$606 million, or 7.8 percent.

Board of Pharmacy

Section 27(a) and (b), transferring \$705,000 from the Medical Programs Fee Fund for K-TRACS in FY20, have been line-item vetoed.

While I am a strong proponent of the K-TRACS program, my original budget recommendation did not include SGF funding for this program because it is inconsistent with the structure of fee-funded agencies. Sweeps from the Medical Programs Fee Fund must be backfilled by the State General Fund, making this transfer to K-TRACS an SGF appropriation. The Board of Pharmacy indicated that it will likely receive a federal grant to cover the cost of this line item. In the event that this grant is not awarded, I have instructed my administration to keep lines of communication open with the Board of Pharmacy in its effort to identify alternative, non-SGF sources for K-TRACS.

KPERS

Section 56(e), requiring an additional \$51 million transfer from the State General Fund to KPERS in FY20, has been line-item vetoed.

The very first piece of legislation I signed into law repaid an extra \$115 million in debt incurred to the Kansas Public Employees Retirement System. This extra payment fixed past mistakes, when emergency steps were taken to pay for failed tax policy. However, given the large number of critical, unmet needs still facing state government, it is not prudent to add another additional KPERS payment that goes beyond the regularly scheduled payments already being made. In fact, this could actually harm the state's ability to make full, timely KPERS payments in the very near future. This line-item veto provides an essential cushion to the state ending balance so that Kansas can continue to pay its bills and rebuild the state more sustainably.

Department of Aging and Disability Services

Section 84(a), \$1,885,000 for community mental health centers supplemental funding and community aid, as well as \$38,646 for the Client Assessment Referral and Evaluation (CARE) program, both in FY19, has been line-item vetoed.

I am pleased to support \$5 million in additional funding for CMHC grants in FY20. In an effort to more evenly distribute reinvestment in Kansas government, I do not believe it is responsible to further increase CMHC funding for the remaining portion of FY19. This veto does not eliminate \$196,304 included to expand the Clubhouse Model and Breakthrough House in FY19.

Department of Education

Section 90(a), \$1,200,000 for evidenced-based or research-based reading programs, \$80,000 for Technical Education incentives, and \$261,000 for Teach for America, all in FY20, have been line-item vetoed.

Increasing funding to Kansas public schools was my top budget priority and proudest accomplishment as Governor in 2019. However, in a continued effort to establish fair expectations of accountability and efficiency throughout state government, I felt it inappropriate to earmark education funds through the Kansas Department of Education. I encourage local districts to use their new State Foundation Aid to participate in these programs as they deem appropriate.

In total, these line item vetoes will increase the State General Fund balance by \$54.4 million between FY19 and FY20. The new ending balance also complies with the statutory requirement to leave 7.5% of the State General Fund in reserve.

LAURA KELLY
Governor

ACTION ON VETO MESSAGE

The President announced a veto message from the Governor having been received on May 20, 2019 and read, the time had arrived for consideration. Members were given the opportunity to reconsider line item vetoes on **H Sub SB 25**.

Senator Baumgardner moved that all of the Governor's line item vetoes be considered.

On roll call, the vote was: Yeas 27; Nays 11; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Denning, Estes, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rucker, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Nays: Bollier, Doll, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Miller, Pettey, Sykes, Ware.

Absent or Not Voting: Hawk, Skubal.

A 2/3 constitutional majority having voted in favor of overriding the Governor's line item vetoes, the motion prevailed and the Governor's line item vetoes were overridden.

REPORTS OF STANDING COMMITTEES

The Committee on **Judiciary** begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Judge, Court of Appeals: K.S.A. 20-3020

Sarah Warner, to fill a term expiring on January 11, 2021.

CONSIDERATION OF APPOINTMENTS

In accordance with Senate Rule 55, the following appointment submitted by the Governor was considered.

Senator Denning moved the following appointment be confirmed as recommended by the Committee on Judiciary.

By the Governor

On the appointment to the:

Kansas Court of Appeals:

Sarah Warner

On roll call, the vote was: Yeas 37; Nays 1; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn.

Nays: Doll.

Absent or Not Voting: Hawk, Skubal.

The appointment was confirmed.

CHANGE OF REFERENCE

In accordance with Senate Rule 11b, a motion previously made by Senator Masterson on May 4, 2019 to withdraw **SCR 1610** from the Committee on **Judiciary** and refer to the calendar under the heading of **General Orders** was considered (reference Senate Journal page 1126.)

On roll call, the vote was: Yeas 28; Nays 10; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Denning, Doll, Estes, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rucker, Suellentrop, Taylor, Tyson, Wagle, Wilborn.

Nays: Bollier, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Miller, Pettey, Sykes, Ware.

Absent or Not Voting: Hawk, Skubal.

SCR 1610 will retain a place on the calendar under the heading of **General Orders**.

MESSAGE FROM THE HOUSE

Announcing adoption of **HCR 5015**.

Announcing a veto message from the Governor on **House Bill 2033**, AN ACT concerning taxation; relating to sales and compensating use tax, countywide retailers' sales tax, rates, election, Finney county, director of taxation, imposition of tax, nexus, remote sellers, marketplace facilitators, rate on food and food ingredients; income taxation, addition and subtraction modifications, treatment of deferred foreign income, global intangible low-taxed income, capital contributions, FDIC premiums, deductions, expanding the expense deduction to all taxpayers, net operating loss carryforward period for corporations; amending K.S.A. 2018 Supp. 12-187, 12-189, 79-32,117, 79-32,120, 79-32,138, 79-32,143, 79-32,143a, 79-3602, 79-3703 and 79-3710 and repealing the existing sections; also repealing K.S.A. 2018 Supp. 79-3221o, was received on May 17, 2019 and read on May 29, 2019.

MESSAGE FROM THE GOVERNOR

May 17, 2019

I have a long record of supporting responsible, commonsense tax policy. Unfortunately, that is not what **House Bill 2033** represents. It will decimate the state's ability to pay our bills and invest in our people. Just as Kansas begins to stabilize after years of senseless fiscal crisis, **House Bill 2033** will create a \$1 billion deficit within three years.

As Governor, one of my top priorities is to lower our state's unacceptably high tax on food. We must first provide relief for those who need it most and then ultimately for all Kansans. We need stability so our tax code can offer certainty to businesses and families. This all must go hand-in-hand with rebuilding our state's rainy-day fund, so we can weather economic downturns without putting our schools and children at risk. Kansas is also long overdue for a thorough, nonpartisan study of how we can ensure our tax code is fair and truly incentivizes economic growth – in urban and rural communities alike. Our state has not conducted such a study since 1995.

Kansans deserve a plan. Successful tax reform must be shaped by a thoughtful, big-picture vision – not by a rushed attempt to achieve an immediate political victory. To that end, my administration recently began outlining a plan to help build this vision, which I look forward to sharing in the weeks to come.

Pro-business, pro-growth, pro-family tax policy can absolutely reshape Kansas for the better, but only if it fixes the failures of the past, not repeats them. I was elected to rebuild our state; **House Bill 2033** is not the way to do it.

Therefore, under Article 2, Section 14(a) of the Kansas Constitution, I hereby veto **House Bill 2033**.

LAURA KELLY
Governor

A motion was made that, notwithstanding the Governor's objections, **House Bill 2033** be reconsidered.

By a vote of 78 Yeas and 39 Nays, the motion failed to receive the necessary two-thirds constitutional majority vote of the elected members of the House of Representatives, and the veto of **House Bill 2033** was sustained.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HCR 5015 was thereupon introduced and read by title.

President Wagle referred **HCR 5015** to **Committee of the Whole**.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **HCR 5015** was advanced to Final Action and roll call.

HCR 5015, A CONCURRENT RESOLUTION ratifying the May 9, 2019, State of Disaster Emergency declaration issued by Governor Laura Kelly and providing for the continuation thereof for certain Kansas counties until January 13, 2020.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn.

Absent or Not Voting: Hawk, Skubal.

The resolution was adopted.

CHANGE OF REFERENCE

The President withdrew **SB 2** from the Committee on **Ways and Means**, and referred the bill to the Committee on **Public Health and Welfare**.

The President withdrew **SB 231** from the Calendar under the heading of **General Orders**, and rereferred the bill to the Committee on **Public Health and Welfare**.

SPECIAL ANNOUNCEMENT

President Wagle announced the formation of the **Senate Select Committee on Healthcare Access**. Senators serving on this 13 member committee will be announced at a later date.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Hardy introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1745—

A RESOLUTION honoring the 150th anniversary of Abilene, Kansas.

WHEREAS, 2019 marks the 150th anniversary of Abilene, a city in Dickinson County, Kansas; and

WHEREAS, In 1857, town founder Timothy Hersey first arrived in Abilene. He returned in 1858 with his wife, Elizabeth, and the beginning of his growing family; and

WHEREAS, Elizabeth Hersey is credited with naming the town of Abilene after opening her Bible to Luke 3:1, where the word Abilene is mentioned as a province of Judaea, meaning beautiful area or city of the plains; and

WHEREAS, In the 1860s, Bently Holiday established his Overland Stage Line through Abilene; and

WHEREAS, In 1867, Joseph McCoy, a young cattle dealer from Illinois, decided Abilene was a perfect location for a successful railhead. He built the Drovers Cottage and Great Western stockyards and promoted the railhead to Texas cattlemen; and

WHEREAS, In September 1867, herds of cattle began arriving in Abilene on the Chisholm Trail and, between 1867 and 1871, hundreds of thousands of cattle arrived in Abilene and were shipped out by rail; and

WHEREAS, The City of Abilene was officially incorporated on September 3, 1869; and

WHEREAS, By 1870, Abilene had significantly grown to the point that a marshal was needed to keep order and Thomas J. Smith was appointed to the position. Smith would later lose his life to an assailant's bullet, leading to the hiring of one of the best gunmen in the west, James Butler "Wild Bill" Hickok, in 1871; and

WHEREAS, David Eisenhower returned to Abilene in the 1890s with his family,

including son, Dwight D. Eisenhower, future 5-Star General and President of the United States; and

WHEREAS, Abilene was home to many entrepreneurs including C.L. Brown, C.W. Parker and A.L. Duckwall, and to this day, the city continues to foster an environment for positive economic growth for its entrepreneurs; and

WHEREAS, Abilene is full of rich history, beautiful homes, successful businesses and kind people; and

WHEREAS, Abilene continues to be one of the "Best Small Towns to Visit" and "Best Historic Small Towns" in the United States; and

WHEREAS, Abilene residents and visitors alike look forward to the city's continued success in the next 150 years: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we honor the 150th anniversary of Abilene, celebrate Abilene's success and urge residents and visitors to celebrate by visiting one of the city's many historic attractions, doing business in Abilene, and supporting the city's efforts to remain a vibrant city on the plains; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Hardy.

On emergency motion of Senator Hardy **SR 1745** was adopted unanimously.

REPORT ON ENROLLED BILLS

SB 18, SB 20, SB 63 reported correctly enrolled, properly signed and presented to the Governor on May 6, 2019.

SR 1744 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 10, 2019.

H Sub SB 25; SB 28, SB 53 reported correctly enrolled, properly signed and presented to the Governor on May 10, 2019.

SR 1745 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 29, 2019.

TRIBUTES

The Committee on **Organization, Calendar, and Rules** authorizes the following tributes for the 2019 Veto Session and Sine Die:

Senator Berger: commending Dale Conrad on his 43 years of service to Hutchinson Community College, commending Pat Becher on his service as head track coach at Hutchinson Community College;

Senator Billinger: congratulating Dr. Kenton Olliff on being named the 2019 Counselor of the Year, congratulating the Wheatland High School Class of 2019;

Senator Bowers: congratulating Bill Hickert on being named the Russell County Volunteer/Emergency Worker of the Year, congratulating Eric Sacco on receiving the Distinguished Principal Award, congratulating Don Koops on receiving the 2019 Pioneer Award by the Kansas Ag Bankers, celebrating Sonny Cooper's 95th Birthday, celebrating Robert Dobratz's 95th Birthday, celebrating Carol Bourbon's 96th Birthday, congratulating the Phillips County Review on its 18 KPA Awards of Excellence for 2019, congratulating Virginia Engborg on being named the 2019 Rooks County Health Center Volunteer of the Year, congratulating Deb Miller on being named the Kansas Grain and Feed Chairwoman, congratulating Mary Rothchild on being named the APCO 2019 Telecommunicator of the Year, congratulating the recipients of the 2018

Challenge Award from the Kansas State Department of Education, congratulating Ionia on its Sesquicentennial Anniversary, congratulating Vermillion on its Sesquicentennial Anniversary, congratulating Rodrick and Minear Funeral Home on 100 years in business, congratulating Jordan Harrison on being named the Russell City Fire Department Officer of the Year, congratulating Rick Webb on being named the Russell City Fire Department Firefighter of the Year, congratulating Jesse Schreiner on being named the Russell City Fire Department Rookie of the Year, congratulating Norb Kohler on receiving the Honorary Chapter FFA Degree from the Beloit FFA, congratulating Aliesa Woods on receiving the 2018 Meritorious Service Award from the Kansas Association of Extension 4-H Agents;

Senator Faust-Goudeau: celebrating Patricia Sloop's 80th Birthday, recognizing the Elks of the World/Middle Western States Association for hosting their 93rd Annual Convention in Topeka;

Senator Haley: congratulating Paul and Lois Long on their 75th Wedding Anniversary;

Senator Hardy: celebrating Alberta Paramore's 100th Birthday; and

Senator Kerschen: congratulating Greg Rosenhagen on being named the 2019 Secondary School Principal of the Year.

As provided by **HCR 5014**, Senator Denning moved the Senate adjourn Sine Die. The motion prevailed.

President Wagle thereupon announced: "By virtue of the authority vested in me as President of the Senate, I now declare the 2019 Session of the Kansas Senate adjourned Sine Die".

MESSAGE FROM THE HOUSE

Announcing the House herewith transmits a certificate of action by the House of Representatives on **House Substitute for Senate Bill 25**, AN ACT making and concerning appropriations for fiscal years ending June 30, 2019, June 30, 2020, June 30, 2021, and June 30, 2022, for state agencies; authorizing and directing payment of certain claims against the state; authorizing certain transfers, capital improvement projects, assessments and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 74-50,107 and 74-99b34 and K.S.A. 2018 Supp. 2-223, 12-1775a, 12-5256, 55-193, 75-2263, 75-4209, 75-6702, 75-6707, 76-775, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,171, 79-4804 and 82a-953a and repealing the existing sections.

House Substitute for Senate Bill 25, was approved by the Governor on May 20, 2019 except for the following line item vetoes.

Board of Pharmacy

Section 27(a) and (b), transferring \$705,000 from the Medical Programs Fee Fund for K-TRACS in FY20, have been line-item vetoed.

KPERS

Section 56(e), requiring an additional \$51 million transfer from the State General Fund to KPERS in FY20, has been line-item vetoed.

Department of Aging and Disability Services

Section 84(a), \$1,885,000 for community mental health centers supplemental funding and community aid, as well as \$38,646 for the Client Assessment Referral and Evaluation (CARE) program, both in FY19, has been line-item vetoed.

Department of Education

Section 90(a), \$1,200,000 for evidenced-based or research-based reading programs, \$80,000 for Technical Education incentives, and \$261,000 for Teach for America, all in FY20, have been line-item vetoed.

Which were not approved by the Governor on May 20, 2019; were returned by her with her objections and approved on May 29, 2019, by two-thirds of the members elected to the Senate notwithstanding the objections of the Governor; were approved by two-thirds of the members elected to the House of Representatives on May 29, 2019, and the line-items shall pass and become law.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*



TITLE AND HISTORY
OF
SENATE BILLS
AND
SENATE RESOLUTIONS

TITLE AND HISTORY OF SENATE BILLS

- S 1** Bill by Senator Denning
Requiring state general fund moneys to fund school district transportation weightings, not state highway fund moneys; making and concerning appropriations for the department of education and the department of transportation for FY 2019.
 01/14/2019 Senate—Prefiled for Introduction on Wednesday, November 7, 2018
 01/14/2019 Senate—Introduced—SJ 4
 01/16/2019 Senate—Referred to Committee on Ways and Means—SJ 20
- S 2** Bill by Senator Denning
Establishing the federal medical assistance percentage stabilization fund; limiting transfers from such fund, specified uses.
 01/14/2019 Senate—Prefiled for Introduction on Wednesday, November 7, 2018
 01/14/2019 Senate—Introduced—SJ 4
 01/16/2019 Senate—Referred to Committee on Ways and Means—SJ 20
 02/13/2019 Senate—Hearing: Monday, February 18, 2019, 10:30 AM Room 548-S
 05/29/2019 Senate—Withdrawn from Committee on Ways and Means; Referred to Committee on Public Health and Welfare—SJ 1136
- S 3** Bill by Senator Hensley
Election commissioners of large counties to be appointed by board of county commissioners instead of by secretary of state.
 01/14/2019 Senate—Prefiled for Introduction on Wednesday, November 7, 2018
 01/14/2019 Senate—Introduced—SJ 4
 01/16/2019 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 20
- S 4** Bill by Senator Hensley
Establishing the Kansas objections board.
 01/14/2019 Senate—Prefiled for Introduction on Wednesday, December 19, 2018
 01/14/2019 Senate—Introduced—SJ 4
 01/16/2019 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 20
- S 5** Bill by Senators Faust-Goudeau, Ware
Enacting the Kansas reinvestment act.
 01/14/2019 Senate—Prefiled for Introduction on Tuesday, January 8, 2019
 01/14/2019 Senate—Introduced—SJ 4
 01/16/2019 Senate—Referred to Committee on Commerce—SJ 20
- S 6** Bill by Senator Faust-Goudeau
Requiring the Kansas department for children and families to implement performance-based contracts.
 01/14/2019 Senate—Prefiled for Introduction on Wednesday, January 9, 2019
 01/14/2019 Senate—Introduced—SJ 4
 01/16/2019 Senate—Referred to Committee on Public Health and Welfare—SJ 20
- S 7** Bill by Senator Hawk
Moving the dates for school board officer elections and organizational meetings and amending the manner of submitting to voters proposed changes to a school district’s manner of election and voting plan.
 01/14/2019 Senate—Prefiled for Introduction on Friday, January 11, 2019

- 01/14/2019 Senate—Introduced—SJ 4
 01/16/2019 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 20
 01/30/2019 Senate—Hearing: Wednesday, February 6, 2019, 9:30 AM Room 142-S
 02/14/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Ethics, Elections and Local Government—SJ 97
 02/27/2019 Senate—Committee of the Whole - Be passed as amended—SJ 161
 02/27/2019 Senate—Emergency Final Action - Passed; Yea: 37 Nay: 2—SJ 162
 02/28/2019 House—Received and Introduced—HJ 304
 03/06/2019 House—Referred to Committee on Elections—HJ 307
 03/06/2019 House—Hearing: Tuesday, March 12, 2019, 3:30 PM Room 212-N
 03/20/2019 House—Committee Report recommending bill be passed by Committee on Elections—HJ 397
 03/27/2019 House—Withdrawn from Calendar; Referred to Committee on Appropriations—HJ 537
- S 8** Bill by Senator Faust-Goudeau
Purchase of a firearm; three-day waiting period, background check.
 01/14/2019 Senate—Prefiled for Introduction on Friday, January 11, 2019
 01/14/2019 Senate—Introduced—SJ 4
 01/16/2019 Senate—Referred to Committee on Federal and State Affairs—SJ 20
- S 9** Bill by Senators Baumgardner, Alley, Billinger, Braun, Denning, Estes, Goddard, Hilderbrand, Kerschen, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Rucker, Suellentrop, Tyson, Wilborn
Authorizing the transfer of \$115,000,000 from the state general fund to the Kansas public employees retirement fund during fiscal year 2019.
 01/14/2019 Senate—Prefiled for Introduction on Friday, January 11, 2019
 01/14/2019 Senate—Introduced—SJ 4
 01/16/2019 Senate—Referred to Committee on Ways and Means—SJ 20
 01/16/2019 Senate—Hearing: Tuesday, January 22, 2019, 10:30 AM Room 548-S
 01/30/2019 Senate—Committee Report recommending bill be passed by Committee on Ways and Means—SJ 51
 02/04/2019 Senate—Committee of the Whole - Be passed—SJ 59
 02/05/2019 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 63
 02/06/2019 House—Received and Introduced—HJ 118
 02/07/2019 House—Referred to Committee on Appropriations—HJ 124
 02/08/2019 House—Hearing: Tuesday, February 12, 2019, 9:00 AM Room 112-N
 02/19/2019 House—Committee Report recommending bill be passed by Committee on Appropriations—HJ 197
 02/21/2019 House—Committee of the Whole - Be passed—HJ 213
 02/22/2019 House—Final Action - Passed; Yea: 117 Nay: 0—HJ 223
 02/26/2019 Senate—Enrolled and presented to Governor on Tuesday, February 26, 2019—SJ 153
 03/11/2019 Senate—Approved by Governor on Friday, March 8, 2019—SJ 178
- S 10** Bill by Robert G. (Bob) Bethell Joint Home and Community Based Services and KanCare Oversight
Eliminating the client obligation for persons receiving home and community-based services.
 01/14/2019 Senate—Prefiled for Introduction on Friday, January 11, 2019
 01/14/2019 Senate—Introduced—SJ 4
 01/16/2019 Senate—Referred to Committee on Public Health and Welfare—SJ 20

- S 11** Bill by Robert G. (Bob) Bethell Joint Home and Community Based Services and KanCare Oversight
Establishing the licensure of dental therapists.
 01/14/2019 Senate—Prefiled for Introduction on Friday, January 11, 2019
 01/14/2019 Senate—Introduced—SJ 5
 01/16/2019 Senate—Referred to Committee on Public Health and Welfare—SJ 20
- S 12** Bill by Robert G. (Bob) Bethell Joint Home and Community Based Services and KanCare Oversight
Changing eligibility requirements and limitations for public assistance programs.
 01/14/2019 Senate—Prefiled for Introduction on Friday, January 11, 2019
 01/14/2019 Senate—Introduced—SJ 5
 01/16/2019 Senate—Referred to Committee on Public Health and Welfare—SJ 20
- S 13** Bill by Senators Tyson, Alley, Baumgardner, Estes, Goddard, Hilderbrand, Lynn, Masterson, Olson, Petersen, Suellentrop, Wilborn
Increasing and allowing Kansas itemized deductions, allowing individual expensing deduction, providing for certain income tax credits, allowing rural opportunity zone for certain counties, extending certain counties countywide retailers' sales tax, providing for sales tax definitions and exemptions for certain sales.
 01/14/2019 Senate—Prefiled for Introduction on Friday, January 11, 2019
 01/14/2019 Senate—Introduced—SJ 5
 01/16/2019 Senate—Referred to Committee on Assessment and Taxation—SJ 20
 01/16/2019 Senate—Hearing: Thursday, January 17, 2019, 9:30 AM Room 548-S
 01/18/2019 Senate—Withdrawn from Committee on Assessment and Taxation;
 Referred to Senate Select Committee on Federal Tax Code Implementation—SJ 33
- S 14** Bill by Joint Corrections and Juvenile Justice Oversight
Evidence based juvenile programs; lapsing and appropriating \$6,000,000 state general fund moneys from department of health and environment--division of health care finance to the department of corrections.
 01/14/2019 Senate—Introduced—SJ 5
 01/16/2019 Senate—Referred to Committee on Ways and Means—SJ 20
 01/23/2019 Senate—Hearing: Wednesday, January 30, 2019, 10:30 AM Room 548-S
- S 15** Bill by Joint Pensions, Investments and Benefits
Amending public health provisions relating to behavioral sciences regulatory board professional licensure, naturopathic doctor scope of practice and adult care home licensure and receivership.
 01/14/2019 Senate—Introduced—SJ 5
 01/16/2019 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 20
 01/30/2019 Senate—Hearing: Wednesday, February 6, 2019, 9:30 AM Room 546-S
 02/20/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 114
 02/26/2019 Senate—Committee of the Whole - Be passed as amended—SJ 135
 02/27/2019 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 156
 02/28/2019 House—Received and Introduced—HJ 304
 03/06/2019 House—Hearing: Monday, March 11, 2019, 9:00 AM Room 281-N

- 03/06/2019 House—Referred to Committee on Financial Institutions and Pensions—HJ 307
- 03/14/2019 House—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Pensions—HJ 345
- 03/25/2019 House—Committee of the Whole - Be passed as amended—HJ 434
- 03/26/2019 House—Final Action - Passed as amended; Yea: 124 Nay: 0—HJ 487
- 03/27/2019 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Olson, Senator Billinger and Senator Ware as conferees—SJ 305
- 04/01/2019 House—Motion to accede adopted; Representative Kelly, Representative Orr and Representative Finney appointed as conferees—HJ 541
- 04/03/2019 Senate—Senator Suellentrop, Senator Berger, and Senator Bollier are appointed to replace Senator Olson, Senator Billinger, and Senator Ware on the Conference Committee—SJ 358
- 04/03/2019 House—Representative Landwehr, Representative Eplee, and Representative Murman are appointed to replace Representative Kelly, Representative Orr, and Representative Finney on the Conference Committee—HJ 555
- 04/04/2019 House—Conference Committee Report was adopted; Yea: 122 Nay: 1—HJ 566
- 04/05/2019 Senate—Conference Committee Report was adopted; Yea: 38 Nay: 0—SJ 510
- 05/01/2019 Senate—Enrolled and presented to Governor on Friday, April 12, 2019—SJ 664
- 05/01/2019 Senate—Approved by Governor on Monday, April 22, 2019—SJ 592
- S 16** Bill by Education
House Substitute for SB 16 by Committee on K-12 Education Budget – Making appropriations for the department of education for FY 2019, 2020 and 2021; amending the Kansas school equity and enhancement act and other statutes related to education.
- 01/16/2019 Senate—Introduced—SJ 24
- 01/17/2019 Senate—Referred to Committee on Education—SJ 27
- 01/30/2019 Senate—Hearing: Thursday, February 7, 2019, 1:30 PM Room 144-S
- 02/20/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Education—SJ 112
- 02/26/2019 Senate—Committee of the Whole - Be passed as amended—SJ 136
- 02/27/2019 Senate—Final Action - Passed as amended; Yea: 39 Nay: 1—SJ 157
- 02/28/2019 House—Received and Introduced—HJ 304
- 03/06/2019 House—Referred to Committee on K-12 Education Budget—HJ 308
- 03/15/2019 House—Hearing: Monday, March 18, 2019, 3:30 PM Room 546-S
- 03/22/2019 House—Committee Report recommending substitute bill be passed by Committee on K-12 Education Budget—HJ 421
- 03/25/2019 House—Committee of the Whole - Substitute bill be passed—HJ 478
- 03/26/2019 House—Final Action - Substitute passed; Yea: 63 Nay: 61—HJ 487
- 03/27/2019 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Baumgardner, Senator Denning and Senator Hensley as conferees—SJ 305

03/27/2019 House—Motion to accede adopted; Representative Williams, Representative Hoffman and Representative Winn appointed as conferees—HJ 537

04/04/2019 House—Conference Committee Report was adopted; Yea: 76 Nay: 47—HJ 598

04/04/2019 Senate—Conference Committee Report was adopted; Yea: 31 Nay: 8—SJ 499

05/01/2019 Senate—Enrolled and presented to Governor on Saturday, April 6, 2019—SJ 664

S 17

05/01/2019 Senate—Approved by Governor on Saturday, April 6, 2019—SJ 592
Bill by Transportation

Requiring class M driver's licenses when operating a motorcycle registered under a temporary permit.

01/16/2019 Senate—Introduced—SJ 24

01/17/2019 Senate—Referred to Committee on Transportation—SJ 27

01/24/2019 Senate—Hearing: Tuesday, January 29, 2019, 8:30 AM Room 546-S

02/13/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 90

02/19/2019 Senate—Committee of the Whole - Be passed as amended—SJ 106

02/20/2019 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 108

02/21/2019 House—Received and Introduced—HJ 209

02/22/2019 House—Referred to Committee on Transportation—HJ 221

02/27/2019 House—Hearing: Wednesday, March 6, 2019, 1:30 PM Room 582-N

03/08/2019 House—Committee Report recommending bill be passed by Committee on Transportation—HJ 323

03/12/2019 House—Committee of the Whole - Be passed—HJ 333

03/13/2019 House—Final Action - Passed; Yea: 101 Nay: 22—HJ 339

03/15/2019 Senate—Enrolled and presented to Governor on Friday, March 15, 2019—SJ 203

03/20/2019 Senate—Approved by Governor on Wednesday, March 20, 2019—SJ 227

S 18

Bill by Judiciary

Providing a process for the attorney general to enter into diversion agreements; authorizing certain entities to access a criminal defendant's presentence investigation report; amending the crime of counterfeiting currency; clarifying the definition of comparable offense under the Kansas criminal code, the timing of claiming error on appeal, and the grounds for a motion to correct an illegal sentence; allowing use of certified drug abuse treatment programs for certain offenders convicted of unlawful cultivation or distribution of controlled substances; amending available sanctions for violation of condition of postrelease supervision; increasing criminal penalties for abuse of a child and involuntary manslaughter when the victim is under 6 years of age and making a presumption of unfitness against any parent convicted of either crime; exempting certain victims from being considered an aggressor or participant as a mitigating factor when considering a departure sentence; requiring law enforcement officers to provide information about timing of release from custody when an arrest is made following a domestic violence call.

01/16/2019 Senate—Introduced—SJ 24

- 01/17/2019 Senate—Referred to Committee on Judiciary—SJ 27
 01/23/2019 Senate—Hearing: Tuesday, January 29, 2019, 10:30 AM Room 346-S
 02/07/2019 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Judiciary—SJ 77
 02/14/2019 Senate—Consent Calendar Passed Yea: 40 Nay: 0—SJ 93
 02/15/2019 House—Received and Introduced—HJ 183
 02/18/2019 House—Referred to Committee on Judiciary—HJ 188
 02/27/2019 House—Hearing: Thursday, March 7, 2019, 3:30 PM Room 346-S
 03/22/2019 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 417
 03/25/2019 House—Committee of the Whole - Be passed as amended—HJ 474
 03/26/2019 House—Final Action - Passed as amended; Yea: 124 Nay: 0—HJ 489
 03/27/2019 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Wilborn, Senator Rucker and Senator Miller as conferees—SJ 305
 04/01/2019 House—Motion to accede adopted; Representative Patton, Representative Ralph and Representative Carmichael appointed as conferees—HJ 541
 04/05/2019 House—Conference Committee Report was adopted; Yea: 123 Nay: 0—HJ 608
 05/01/2019 Senate—Conference Committee Report was adopted; Yea: 37 Nay: 3—SJ 598
 05/14/2019 Senate—Enrolled and presented to Governor on Monday, May 6, 2019
 05/14/2019 Senate—Approved by Governor on Monday, May 13, 2019

S 19

Bill by Judiciary

Authorizing certain entities to access a criminal defendant's presentence investigation report.

- 01/17/2019 Senate—Introduced—SJ 26
 01/18/2019 Senate—Referred to Committee on Judiciary—SJ 33
 01/23/2019 Senate—Hearing: Wednesday, January 30, 2019, 10:30 AM Room 346-S
 02/07/2019 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 77
 02/12/2019 Senate—Committee of the Whole - Be passed—SJ 86
 02/13/2019 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 89
 02/14/2019 House—Received and Introduced—HJ 166
 02/15/2019 House—Referred to Committee on Judiciary—HJ 182
 02/27/2019 House—Hearing: Thursday, March 7, 2019, 3:30 PM Room 346-S

S 20

Bill by Judiciary

Extending the judicial branch surcharge to fund the costs of non-judicial personnel; extending recognition of tribal court judgments pursuant to supreme court rules; amending the bonding and cost requirements for animals taken into custody under a violation of cruelty to animals.

- 01/17/2019 Senate—Introduced—SJ 26
 01/18/2019 Senate—Referred to Committee on Judiciary—SJ 33
 01/23/2019 Senate—Hearing: Wednesday, January 30, 2019, 10:30 AM Room 346-S
 02/07/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 77

- 02/12/2019 Senate—Committee of the Whole - Be passed as amended—SJ 86
- 02/13/2019 Senate—Final Action - Passed as amended; Yea: 35 Nay: 5—SJ 90
- 02/14/2019 House—Received and Introduced—HJ 166
- 02/15/2019 House—Referred to Committee on Judiciary—HJ 182
- 02/27/2019 House—Hearing: Thursday, March 7, 2019, 3:30 PM Room 346-S
- 03/22/2019 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 419
- 03/25/2019 House—Committee of the Whole - Be passed as amended—HJ 474
- 03/26/2019 House—Final Action - Passed as amended; Yea: 118 Nay: 6—HJ 489
- 03/27/2019 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Wilborn, Senator Rucker and Senator Miller as conferees—SJ 305
- 04/01/2019 House—Motion to accede adopted; Representative Patton, Representative Ralph and Representative Carmichael appointed as conferees—HJ 541
- 04/04/2019 House—Conference Committee Report was adopted; Yea: 120 Nay: 3—HJ 594
- 05/01/2019 Senate—Conference Committee Report was adopted; Yea: 35 Nay: 5—SJ 633
- 05/14/2019 Senate—Enrolled and presented to Governor on Monday, May 6, 2019
- 05/14/2019 Senate—Approved by Governor on Monday, May 13, 2019
- S 21** Bill by Ways and Means
Abolishing the death penalty and creating the crime of aggravated murder.
- 01/17/2019 Senate—Introduced—SJ 26
- 01/18/2019 Senate—Referred to Committee on Judiciary—SJ 33
- S 22** Bill by Federal and State Affairs
Kansas itemized deductions, election, providing for deferred foreign income, global intangible low-taxed income, business interest, capital contributions and FDIC premiums income tax modifications; sales and compensating use tax, imposition of tax, nexus, remote sellers, marketplace facilitators, rate of tax on food and food ingredients.
- 01/17/2019 Senate—Introduced—SJ 27
- 01/18/2019 Senate—Referred to Senate Select Committee on Federal Tax Code Implementation—SJ 33
- 01/24/2019 Senate—Hearing continuation: Thursday, January 31, 2019, 9:30 AM Room 548-S
- 01/24/2019 Senate—Hearing continuation: Wednesday, January 30, 2019, 9:30 AM Room 548-S
- 01/24/2019 Senate—Hearing: Tuesday, January 29, 2019, 9:30 AM Room 548-S
- 02/01/2019 Senate—Committee Report recommending bill be passed as amended by Senate Select Committee on Federal Tax Code Implementation—SJ 56
- 02/06/2019 Senate—Committee of the Whole - Motion to rerefer to committee failed Yea: 12 Nay: 28—SJ 69
- 02/06/2019 Senate—Committee of the Whole - Be passed as amended—SJ 69
- 02/07/2019 Senate—Final Action - Passed; Yea: 26 Nay: 14—SJ 74
- 02/08/2019 House—Received and Introduced—HJ 139
- 02/11/2019 House—Referred to Committee on Taxation—HJ 146
- 02/13/2019 House—Hearing: Tuesday, February 19, 2019, 3:30 PM Room 112-N
- 02/13/2019 House—Hearing: Wednesday, February 20, 2019, 3:30 PM Room 112-N

- 02/27/2019 House—Committee Report recommending bill be passed as amended by Committee on Taxation—HJ 273
- 03/07/2019 House—Committee of the Whole - Be passed as amended Yea: 80 Nay: 42—HJ 319
- 03/08/2019 House—Final Action - Passed as amended; Yea: 76 Nay: 43—HJ 321
- 03/14/2019 Senate—Concurred with amendments; Yea: 24 Nay: 16—SJ 199
- 03/19/2019 Senate—Enrolled and presented to Governor on Tuesday, March 19, 2019—SJ 221
- 03/26/2019 Senate—Vetoed by Governor; Returned to Senate on Monday, March 25, 2019
- 05/01/2019 Senate—No motion to reconsider vetoed bill; Veto sustained—SJ 593
- S 23** Bill by Federal and State Affairs
Enacting the Kansas sports wagering act.
 01/17/2019 Senate—Introduced—SJ 27
- 01/18/2019 Senate—Referred to Committee on Federal and State Affairs—SJ 33
- S 24** Bill by Utilities
Electric utilities and recovery of transmission costs.
 01/17/2019 Senate—Introduced—SJ 27
 01/18/2019 Senate—Referred to Committee on Utilities—SJ 33
 01/30/2019 Senate—Hearing: Thursday, January 31, 2019, 1:30 AM Room 548-S
 02/27/2019 Senate—Withdrawn from Committee on Utilities; Referred to Committee on Ways and Means—SJ 166
- 02/28/2019 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Utilities—SJ 167
- S 25** Bill by Joint Special Claims Against the State
House Substitute for SB 25 by Committee on Appropriations - Appropriations for FY 2019, FY 2020, FY 2021 and FY 2022 for various state agencies.
 01/17/2019 Senate—Introduced—SJ 27
 01/18/2019 Senate—Referred to Committee on Ways and Means—SJ 33
 01/23/2019 Senate—Hearing: Wednesday, January 30, 2019, 10:30 AM Room 548-S
 02/13/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Ways and Means—SJ 90
 02/19/2019 Senate—Committee of the Whole - Be passed as amended—SJ 106
 02/20/2019 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 109
 02/21/2019 House—Received and Introduced—HJ 209
 02/22/2019 House—Referred to Committee on Appropriations—HJ 221
 03/13/2019 House—Hearing: Tuesday, March 19, 2019, 9:00 AM Room 112-N
 03/22/2019 House—Committee Report recommending substitute bill be passed by Committee on Appropriations—HJ 416
 03/25/2019 House—Committee of the Whole - Substitute bill be passed—HJ 430
 03/26/2019 House—Final Action - Substitute passed; Yea: 99 Nay: 25—HJ 490
 03/27/2019 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator McGinn, Senator Billinger and Senator Hawk as conferees—SJ 305
 03/27/2019 House—Motion to accede adopted; Representative Waymaster, Representative Hoffman and Representative Wolfe Moore appointed as conferees—HJ 537

- 05/03/2019 House—Conference Committee Report not adopted; Representative Waymaster, Representative Hoffman and Representative Wolfe Moore appointed as second conferees Yea: 63 Nay: 61—HJ 871
- 05/03/2019 Senate—Motion to accede adopted; Senator McGinn, Senator Billinger and Senator Hawk appointed as second conferees—SJ 752
- 05/03/2019 House—Conference Committee Report agree to disagree adopted; Representative Waymaster, Representative Hoffman and Representative Wolfe Moore appointed as third conferees—HJ 1158
- 05/03/2019 Senate—Conference Committee Report agree to disagree adopted; Senator McGinn, Senator Billinger and Senator Hawk appointed as third conferees—SJ 753
- 05/03/2019 House—Conference Committee Report not adopted; Yea: 42 Nay: 81—HJ 1159
- 05/03/2019 House—Motion to Reconsider Adopted—HJ 1443
- 05/03/2019 House—Conference Committee Report not adopted; Representative Waymaster, Representative Hoffman and Representative Wolfe Moore appointed as fourth conferees—HJ 1443
- 05/03/2019 Senate—Motion to accede adopted; Senator Billinger, Senator Denning and Senator Hawk appointed as fourth conferees—SJ 753
- 05/04/2019 House—Conference Committee Report was adopted; Yea: 79 Nay: 45—HJ 1445
- 05/04/2019 Senate—Conference Committee Report was adopted; Yea: 26 Nay: 14—SJ 1028
- 05/14/2019 Senate—Enrolled and presented to Governor on Friday, May 10, 2019
- 05/29/2019 Senate—Approved by Governor except line item veto of Section 27(a) and (b), Section 56(e), Section 84(a), and Section 90(a) on Monday, May 20, 2019
- 05/29/2019 Senate—Motion to override line item vetoes prevailed. Yea: 27 Nay: 11—SJ 1133
- 05/29/2019 House—Motion to override line item vetoes prevailed. Yea: 86 Nay: 30—HJ 1919

S 26

Bill by Commerce

Income tax credit for certain purchases of goods and services by a taxpayer from qualified vendors that provide employment to individuals who are blind or disabled.

- 01/17/2019 Senate—Introduced—SJ 27
- 01/18/2019 Senate—Referred to Committee on Commerce—SJ 33
- 01/23/2019 Senate—Hearing: Thursday, January 31, 2019, 8:30 AM Room 548-S

S 27

Bill by Commerce

Removing a restriction, for purposes of employment security law, on leasing of certain employees by client lessees of lessor employing units.

- 01/17/2019 Senate—Introduced—SJ 27
- 01/18/2019 Senate—Referred to Committee on Commerce—SJ 33
- 01/30/2019 Senate—Hearing: Tuesday, February 5, 2019, 8:30 AM Room 548-S
- 02/13/2019 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Commerce—SJ 90
- 02/18/2019 Senate—Withdrawn from Consent Calendar and placed on General Orders—SJ 101
- 02/21/2019 Senate—Withdrawn from Calendar, Rereferred to Committee on Commerce—SJ 117

02/25/2019 Senate—Committee Report recommending bill be passed by Committee on Commerce—SJ 125

02/27/2019 Senate—Committee of the Whole - Be passed—SJ 161

02/27/2019 Senate—Emergency Final Action - Passed; Yea: 40 Nay: 0—SJ 162

02/28/2019 House—Received and Introduced—HJ 304

03/06/2019 House—Referred to Committee on Commerce, Labor and Economic Development—HJ 307

S 28 Bill by Financial Institutions and Insurance

Creating an affirmative defense to the crime of possession of a controlled substance for possession of certain medical treatments; amending podiatrist qualifications.

01/22/2019 Senate—Introduced—SJ 34

01/23/2019 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 36

01/23/2019 Senate—Hearing: Tuesday, January 29, 2019, 9:30 AM Room 546-S

02/05/2019 Senate—Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance—SJ 64

02/19/2019 Senate—Committee of the Whole - Be passed—SJ 106

02/20/2019 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 109

02/21/2019 House—Received and Introduced—HJ 209

02/22/2019 House—Referred to Committee on Insurance—HJ 221

03/07/2019 House—Hearing: Monday, March 11, 2019, 3:30 PM Room 212-N

03/14/2019 House—Committee Report recommending bill be passed as amended by Committee on Insurance—HJ 346

03/25/2019 House—Committee of the Whole - Be passed as amended—HJ 430

03/26/2019 House—Final Action - Passed as amended; Yea: 123 Nay: 1—HJ 491

03/27/2019 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Olson, Senator Billinger and Senator Ware as conferees—SJ 305

04/01/2019 House—Motion to accede adopted; Representative Vickrey, Representative Cox and Representative Neighbor appointed as conferees—HJ 541

05/01/2019 Senate—Senator Suellentrop, Senator Berger, and Senator Bollier are appointed to replace Senator Olson, Senator Billinger, and Senator Ware on the Conference Committee—SJ 591

05/01/2019 House—Representative Patton, Representative Ralph, and Representative Carmichael are appointed to replace Representative Vickrey, Representative Cox, and Representative Neighbor on the Conference Committee—HJ 842

05/02/2019 House—Conference Committee Report agree to disagree adopted; Representative Patton, Representative Ralph and Representative Carmichael appointed as second conferees—HJ 866

05/02/2019 Senate—Conference Committee Report agree to disagree adopted; Senator Suellentrop, Senator Berger and Senator Bollier appointed as second conferees—SJ 669

05/04/2019 House—Conference Committee Report was adopted; Yea: 87 Nay: 36—HJ 1807

05/04/2019 Senate—Motion to adopt Conference Committee Report—SJ 1082

05/04/2019 Senate—Substitute motion to not adopt and appoint a new conference failed.—SJ 1082

- 05/04/2019 Senate—Conference Committee Report was adopted; Yea: 27 Nay: 8—
SJ 1083
- 05/14/2019 Senate—Enrolled and presented to Governor on Friday, May 10, 2019
- 05/29/2019 Senate—Approved by Governor on Monday, May 20, 2019—SJ 1132
- S 29** Bill by Financial Institutions and Insurance
Providing for fully-insured association health plans.
01/22/2019 Senate—Introduced—SJ 34
01/23/2019 Senate—Referred to Committee on Financial Institutions and Insurance
—SJ 36
01/23/2019 Senate—Hearing: Wednesday, January 30, 2019, 9:30 AM Room 546-S
- S 30** Bill by Financial Institutions and Insurance
**Updating definitions relating to small employer health plans and association
health plans.**
01/22/2019 Senate—Introduced—SJ 35
01/23/2019 Senate—Referred to Committee on Financial Institutions and Insurance
—SJ 36
01/24/2019 Senate—Hearing: Thursday, January 31, 2019, 9:30 AM Room 546-S
- S 31** Bill by Financial Institutions and Insurance
**Exempting certain association health plans from requirements pertaining to
small employer health plans.**
01/22/2019 Senate—Introduced—SJ 35
01/23/2019 Senate—Referred to Committee on Financial Institutions and Insurance
—SJ 36
01/30/2019 Senate—Hearing: Tuesday, February 5, 2019, 9:30 AM Room 546-S
- S 32** Bill by Financial Institutions and Insurance
**Exempting certain non-insurance healthcare benefits from the commissioner's
jurisdiction.**
01/22/2019 Senate—Introduced—SJ 35
01/23/2019 Senate—Referred to Committee on Financial Institutions and Insurance
—SJ 36
01/23/2019 Senate—Hearing: Tuesday, January 29, 2019, 9:30 AM Room 546-S
02/06/2019 Senate—Committee Report recommending bill be passed as amended
by Committee on Financial Institutions and Insurance—SJ 69
02/20/2019 Senate—Challenge of the Chair - Ruling was Sustained Yea: 28 Nay: 12
—SJ 109
02/20/2019 Senate—Committee of the Whole - Be passed as amended—SJ 109
02/20/2019 Senate—Emergency Final Action - Passed as amended; Yea: 28 Nay: 11
—SJ 111
02/21/2019 House—Received and Introduced—HJ 209
02/22/2019 House—Referred to Committee on Insurance—HJ 221
02/27/2019 House—Hearing: Wednesday, March 6, 2019, 3:30 PM Room 212-N
- S 33** Bill by Financial Institutions and Insurance
**Specifying the conditions under which a small employer carrier may establish
certain classes of business.**
01/22/2019 Senate—Introduced—SJ 35
01/23/2019 Senate—Referred to Committee on Financial Institutions and Insurance
—SJ 36
01/23/2019 Senate—Hearing: Thursday, January 31, 2019, 9:30 AM Room 546-S
- S 34** Bill by Financial Institutions and Insurance

- Exempting health plans issued to associations of small employers from certain statutory provisions governing small employer health plans.**
 01/22/2019 Senate—Introduced—SJ 35
 01/23/2019 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 36
 01/30/2019 Senate—Hearing: Tuesday, February 5, 2019, 9:30 AM Room 546-S
- S 35** Bill by Financial Institutions and Insurance
Providing for short-term, limited-duration health plans.
 01/22/2019 Senate—Introduced—SJ 35
 01/23/2019 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 36
 01/30/2019 Senate—Hearing: Wednesday, February 6, 2019, 9:30 AM Room 546-S
- S 36** Bill by Financial Institutions and Insurance
Making certain self-funded association health plans subject to the jurisdiction of the commissioner.
 01/22/2019 Senate—Introduced—SJ 35
 01/23/2019 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 36
 01/23/2019 Senate—Hearing: Wednesday, January 30, 2019, 9:30 AM Room 546-S
- S 37** Bill by Senator Holland
Requiring a duly ordained minister of religion or an employee of or volunteer for a religious organization to report certain abuse and neglect of children.
 01/22/2019 Senate—Introduced—SJ 35
 01/23/2019 Senate—Referred to Committee on Federal and State Affairs—SJ 36
- S 38** Bill by Federal and State Affairs
Unemployment benefits for privately contracted school bus drivers.
 01/22/2019 Senate—Introduced—SJ 35
 01/23/2019 Senate—Referred to Committee on Commerce—SJ 36
 03/06/2019 Senate—Hearing: Friday, March 15, 2019, 8:30 AM Room 548-S
- S 39** Bill by Transportation
Compensation for warranty services under the vehicle dealers and manufacturers licensing act.
 01/24/2019 Senate—Introduced—SJ 38
 01/25/2019 Senate—Referred to Committee on Transportation—SJ 40
 01/28/2019 Senate—Hearing: Thursday, January 31, 2019, 8:30 AM Room 546-S
 02/06/2019 Senate—Committee Report recommending bill be passed by Committee on Transportation—SJ 69
 02/13/2019 Senate—Committee of the Whole - Be passed—SJ 90
 02/14/2019 Senate—Final Action - Passed; Yea: 39 Nay: 0—SJ 94
 02/15/2019 House—Received and Introduced—HJ 183
 02/18/2019 House—Referred to Committee on Transportation—HJ 188
 02/27/2019 House—Hearing: Wednesday, March 6, 2019, 1:30 PM Room 582-N
 03/08/2019 House—Committee Report recommending bill be passed by Committee on Transportation—HJ 323
 03/12/2019 House—Committee of the Whole - Be passed—HJ 333
 03/13/2019 House—Final Action - Passed; Yea: 122 Nay: 1—HJ 340
 03/15/2019 Senate—Enrolled and presented to Governor on Friday, March 15, 2019—SJ 203

- 03/20/2019 Senate—Approved by Governor on Wednesday, March 20, 2019—SJ 227
- S 40** Bill by Transportation
Removing expired warning provision for approach of an emergency vehicle traffic violation.
 01/24/2019 Senate—Introduced—SJ 39
 01/25/2019 Senate—Referred to Committee on Transportation—SJ 40
 01/31/2019 Senate—Hearing: Tuesday, February 5, 2019, 8:30 AM Room 546-S
 02/13/2019 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Transportation—SJ 90
 02/20/2019 Senate—Consent Calendar Passed Yea: 40 Nay: 0—SJ 108
 02/21/2019 House—Received and Introduced—HJ 209
 02/22/2019 House—Referred to Committee on Transportation—HJ 221
 02/27/2019 House—Hearing: Thursday, March 7, 2019, 1:30 PM Room 582-N
 03/15/2019 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Transportation—HJ 352
 03/20/2019 House—Final Action - Passed; Yea: 123 Nay: 0—HJ 375
 03/26/2019 Senate—Enrolled and presented to Governor on Tuesday, March 26, 2019—SJ 298
- S 41** 04/02/2019 Senate—Approved by Governor on Tuesday, April 2, 2019—SJ 354
 Bill by Transportation
Clarifying that a violation of the statute requiring seat belt use is a traffic infraction.
 01/24/2019 Senate—Introduced—SJ 39
 01/25/2019 Senate—Referred to Committee on Transportation—SJ 40
 01/31/2019 Senate—Hearing: Tuesday, February 5, 2019, 8:30 AM Room 546-S
 02/13/2019 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Transportation—SJ 90
 02/20/2019 Senate—Consent Calendar Passed Yea: 40 Nay: 0—SJ 108
 02/21/2019 House—Received and Introduced—HJ 209
 02/22/2019 House—Referred to Committee on Transportation—HJ 221
 02/27/2019 House—Hearing: Thursday, March 7, 2019, 1:30 PM Room 582-N
 03/15/2019 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Transportation—HJ 352
 03/20/2019 House—Final Action - Passed; Yea: 109 Nay: 14—HJ 375
 03/26/2019 Senate—Enrolled and presented to Governor on Tuesday, March 26, 2019—SJ 298
- S 42** 04/02/2019 Senate—Approved by Governor on Tuesday, April 2, 2019—SJ 354
 Bill by Commerce
Amending the meaning of the terms "rebate" and "interest" as used in the real estate brokers' and salespersons' license act.
 01/24/2019 Senate—Introduced—SJ 39
 01/25/2019 Senate—Referred to Committee on Commerce—SJ 40
 02/06/2019 Senate—Hearing: Tuesday, February 12, 2019, 8:30 AM Room 548-S
- S 43** Bill by Senators Pettey, Bollier, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Miller, Skubal, Sykes, Ware
Elections; registration; election day registration.
 01/24/2019 Senate—Introduced—SJ 39
 01/25/2019 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 40

- 02/13/2019 Senate—Hearing: Tuesday, February 19, 2019, 9:30 AM Room 142-S
S 44 Bill by Ways and Means
Appropriations for the department of education for FY 2019, 2020 and 2021; increasing BASE aid for certain school years; continuing 20 mill statewide levy for schools and exempting certain portion of property used for residential purposes from such levy.
 01/24/2019 Senate—Introduced—SJ 39
 01/25/2019 Senate—Referred to Senate Select Committee on Education Finance—SJ 40
 01/30/2019 Senate—Hearing: Wednesday, February 6, 2019, 1:30 PM Room 144-S
 02/07/2019 Senate—Hearing continuation: Tuesday, February 12, 2019, 1:30 PM Room 144-S
- S 45** Bill by Judiciary
Enhancing penalties for offenses causing death or serious bodily injury to public safety sector employees.
 01/24/2019 Senate—Introduced—SJ 39
 01/25/2019 Senate—Referred to Committee on Judiciary—SJ 40
 01/30/2019 Senate—Hearing: Wednesday, February 6, 2019, 10:30 AM Room 346-S
 02/20/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 115
- S 46** Bill by Judiciary
Creating a procedure for owner to recover misappropriated property from pawnbroker or precious metal dealer.
 01/24/2019 Senate—Introduced—SJ 39
 01/25/2019 Senate—Referred to Committee on Judiciary—SJ 40
 01/30/2019 Senate—Hearing: Wednesday, February 6, 2019, 10:30 AM Room 346-S
- S 47** Bill by Assessment and Taxation
Creating the student opportunity scholarship program.
 01/24/2019 Senate—Introduced—SJ 39
 01/25/2019 Senate—Referred to Committee on Education—SJ 40
- S 48** 02/13/2019 Senate—Hearing: Monday, February 18, 2019, 1:30 PM Room 144-S
 Bill by Public Health and Welfare
Transportation arrangements prior to a funeral.
 01/25/2019 Senate—Introduced
 01/28/2019 Senate—Referred to Committee on Public Health and Welfare—SJ 43
- S 49** Bill by Agriculture and Natural Resources
Authorizing the secretary of wildlife, parks and tourism to establish fees for cabins operated by the department and camping permits at state parks.
 01/28/2019 Senate—Introduced—SJ 42
 01/29/2019 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 45
 02/13/2019 Senate—Hearing: Wednesday, February 20, 2019, 8:30 AM Room 159-S
 02/20/2019 Senate—Committee Report recommending bill be passed by Committee on Agriculture and Natural Resources—SJ 112
 02/27/2019 Senate—Committee of the Whole - Be passed—SJ 161
 02/27/2019 Senate—Emergency Final Action - Passed; Yea: 29 Nay: 11—SJ 162

- 02/28/2019 House—Received and Introduced—HJ 304
 03/06/2019 House—Hearing: Tuesday, March 12, 2019, 3:30 PM Room 582-N
 03/06/2019 House—Referred to Committee on Agriculture—HJ 307
 03/15/2019 House—Committee Report recommending bill be passed by Committee on Agriculture—HJ 352
 03/27/2019 House—Withdrawn from Calendar; Referred to Committee on Appropriations—HJ 537
- S 50** Bill by Agriculture and Natural Resources
Amending the fee limitations for certain department of wildlife, parks and tourism licenses, permits, stamps and other issue.
 01/28/2019 Senate—Introduced—SJ 42
 01/29/2019 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 45
- S 51** Bill by Senators Hensley, Bollier, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Miller, Pettey, Sykes, Ware
Governmental ethics: two-year restriction on lobbying by former elected and appointed state officials.
 01/28/2019 Senate—Introduced—SJ 42
 01/29/2019 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 45
- S 52** Bill by Senators Hensley, Bollier, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Miller, Pettey, Sykes, Ware
Due process for terminating teachers' contracts.
 01/28/2019 Senate—Introduced—SJ 43
 01/29/2019 Senate—Referred to Committee on Education—SJ 45
- S 53** Bill by Senators Holland, Alley, Baumgardner, Braun, Francisco, Haley, Lynn, McGinn, Ware
Updating certain emergency medical services-related statutes.
 01/29/2019 Senate—Introduced—SJ 44
 01/30/2019 Senate—Referred to Committee on Federal and State Affairs—SJ 48
 02/06/2019 Senate—Hearing: Wednesday, February 13, 2019, 10:30 AM Room 144-S
 02/20/2019 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Federal and State Affairs—SJ 114
 02/27/2019 Senate—Consent Calendar Passed Yea: 40 Nay: 0—SJ 155
 02/28/2019 House—Received and Introduced—HJ 304
 03/06/2019 House—Referred to Committee on Federal and State Affairs—HJ 307
 03/13/2019 House—Hearing: Tuesday, March 19, 2019, 9:00 AM Room 346-S
 03/20/2019 House—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—HJ 391
 03/25/2019 House—Committee of the Whole - Be passed as amended—HJ 466
 03/26/2019 House—Final Action - Passed as amended; Yea: 88 Nay: 36—HJ 491
 03/27/2019 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Estes, Senator Olson and Senator Faust-Goudeau as conferees—SJ 334
 04/01/2019 House—Motion to accede adopted; Representative Barker, Representative Awerkamp and Representative Ruiz, L. appointed as conferees—HJ 541
 04/03/2019 House—Representative Clayton is appointed to replace Representative Ruiz, L. on the Conference Committee—HJ 554

- 04/05/2019 House—Representative Ruiz, L. is appointed to replace Representative Clayton on the Conference Committee—HJ 834
- 05/04/2019 House—Conference Committee Report was adopted; Yea: 123 Nay: 0—HJ 1811
- 05/04/2019 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 1—SJ 1125
- 05/14/2019 Senate—Enrolled and presented to Governor on Friday, May 10, 2019
- 05/14/2019 Senate—Approved by Governor on Thursday, May 16, 2019
- S 54** Bill by Ways and Means
Establishing the KanCare bridge to a healthy Kansas program.
 01/29/2019 Senate—Introduced—SJ 44
 01/30/2019 Senate—Referred to Committee on Public Health and Welfare—SJ 48
- S 55** Bill by Judiciary
Enacting the uniform partition of heirs property act.
 01/29/2019 Senate—Introduced—SJ 44
 01/30/2019 Senate—Referred to Committee on Judiciary—SJ 48
 01/30/2019 Senate—Hearing: Tuesday, February 5, 2019, 10:30 AM Room 346-S
- S 56** Bill by Federal and State Affairs
Requiring verification of certain hours billed by contractors under certain state contracts.
 01/30/2019 Senate—Introduced—SJ 48
 01/31/2019 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 54
- S 57** Bill by Senators Petersen, Holland
Requiring review of information technology contracts by the joint committee on information technology.
 01/30/2019 Senate—Introduced—SJ 48
 01/31/2019 Senate—Referred to Committee on Ways and Means—SJ 54
 03/18/2019 Senate—Hearing: Wednesday, March 20, 2019, 10:30 AM Room 548-S
- S 58** Bill by Judiciary
Granting immunity from civil liability to the person who files a grand jury petition.
 01/30/2019 Senate—Introduced—SJ 48
 01/31/2019 Senate—Referred to Committee on Judiciary—SJ 54
- S 59** Bill by Senator Holland
Eudora community library district act.
 01/30/2019 Senate—Introduced—SJ 48
 01/31/2019 Senate—Referred to Committee on Federal and State Affairs—SJ 54
 02/01/2019 Senate—Withdrawn from Committee on Federal and State Affairs; Referred to Committee on Ethics, Elections and Local Government—SJ 56
 02/06/2019 Senate—Hearing: Tuesday, February 12, 2019, 9:30 AM Room 142-S
 02/14/2019 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Ethics, Elections and Local Government—SJ 97
 02/18/2019 Senate—Withdrawn from Consent Calendar and placed on General Orders—SJ 101
 02/27/2019 Senate—Committee of the Whole - Be passed—SJ 161
 02/27/2019 Senate—Emergency Final Action - Passed; Yea: 27 Nay: 12—SJ 163
 02/28/2019 House—Received and Introduced—HJ 304
 03/06/2019 House—Referred to Committee on Local Government—HJ 307

03/06/2019 House—Hearing: Wednesday, March 13, 2019, 9:00 AM Room 218-N
 03/15/2019 House—Committee Report recommending bill be passed and placed on
 Consent Calendar by Committee on Local Government—HJ 352
 03/20/2019 House—Final Action - Passed; Yea: 115 Nay: 8—HJ 376
 03/26/2019 Senate—Enrolled and presented to Governor on Tuesday, March 26,
 2019—SJ 298
 04/02/2019 Senate—Approved by Governor on Tuesday, April 2, 2019—SJ 354
S 60 Bill by Commerce

Amending Kansas real estate commission licensing provisions for brokers and sales persons.

01/30/2019 Senate—Introduced—SJ 48
 01/31/2019 Senate—Referred to Committee on Commerce—SJ 54
 02/06/2019 Senate—Hearing: Thursday, February 14, 2019, 8:30 AM Room 548-S
 02/21/2019 Senate—Committee Report recommending bill be passed by Committee
 on Commerce—SJ 118
 02/26/2019 Senate—Committee of the Whole - Be passed—SJ 135
 02/27/2019 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 157
 02/28/2019 House—Received and Introduced—HJ 304
 03/06/2019 House—Referred to Committee on Commerce, Labor and Economic
 Development—HJ 307
 03/06/2019 House—Hearing: Wednesday, March 13, 2019, 1:30 PM Room 112-N
 03/15/2019 House—Committee Report recommending bill be passed by Committee
 on Commerce, Labor and Economic Development—HJ 352
 03/25/2019 House—Committee of the Whole - Be passed—HJ 430
 03/26/2019 House—Final Action - Passed; Yea: 107 Nay: 17—HJ 492
 04/02/2019 Senate—Enrolled and presented to Governor on Tuesday, April 2, 2019
 —SJ 355

S 61 05/01/2019 Senate—Approved by Governor on Wednesday, April 10, 2019—SJ 592
 Bill by Public Health and Welfare

Amending podiatrist qualifications and scope of practice.

01/31/2019 Senate—Introduced—SJ 52
 02/01/2019 Senate—Referred to Committee on Public Health and Welfare—SJ 55
 02/06/2019 Senate—Hearing: Monday, February 11, 2019, 9:30 AM Room 118-N
 02/25/2019 Senate—Committee Report recommending bill be passed as amended
 by Committee on Public Health and Welfare—SJ 130
 02/27/2019 Senate—Committee of the Whole - Be passed as amended—SJ 161
 02/27/2019 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0
 —SJ 163
 02/28/2019 House—Received and Introduced—HJ 304
 03/06/2019 House—Referred to Committee on Health and Human Services—HJ
 307
 03/08/2019 House—Hearing: Tuesday, March 12, 2019, 1:30 PM Room 546-S
 03/13/2019 House—Committee Report recommending bill be passed and placed on
 Consent Calendar by Committee on Health and Human Services—HJ 343
 03/18/2019 House—Withdrawn from Consent Calendar and placed on General
 Orders—HJ 359
 03/27/2019 House—Stricken from Calendar by Rule 1507—HJ 538

- S 62** Bill by Transportation
Substitute for SB 62 by Committee on Transportation - Allowing police vehicle drivers to engage in certain actions without using audible and visual signals and also allowing certain actions by drivers.
- 01/31/2019 Senate—Introduced—SJ 53
 02/01/2019 Senate—Referred to Committee on Transportation—SJ 55
 02/04/2019 Senate—Hearing: Thursday, February 7, 2019, 8:30 AM Room 546-S
 02/21/2019 Senate—Committee Report recommending substitute bill be passed by Committee on Transportation—SJ 119
 02/26/2019 Senate—Committee of the Whole - Substitute bill be passed—SJ 135
 02/27/2019 Senate—Final Action - Substitute passed; Yea: 34 Nay: 4—SJ 157
 02/28/2019 House—Received and Introduced—HJ 304
 03/06/2019 House—Referred to Committee on Transportation—HJ 308
 03/06/2019 House—Hearing: Tuesday, March 12, 2019, 1:30 PM Room 582-N
- S 63** Bill by Transportation
Allowing lighting devices in transportation network company vehicles; regulating the operation of electric-assisted scooters; allowing for the installation of certain light screening material on windshields; allowing all-terrain and work-site utility vehicles to operate on a federal or state highway; requiring vehicles to stop for on-track train equipment.
- 01/31/2019 Senate—Introduced—SJ 53
 02/01/2019 Senate—Referred to Committee on Transportation—SJ 55
 02/08/2019 Senate—Hearing: Wednesday, February 13, 2019, 8:30 AM Room 546-S
 02/21/2019 Senate—Committee Report recommending bill be passed by Committee on Transportation—SJ 119
 02/26/2019 Senate—Committee of the Whole - Be passed—SJ 135
 02/27/2019 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 158
 02/28/2019 House—Received and Introduced—HJ 304
 03/06/2019 House—Referred to Committee on Transportation—HJ 308
 03/06/2019 House—Hearing: Wednesday, March 13, 2019, 1:30 PM Room 582-N
 03/15/2019 House—Committee Report recommending bill be passed as amended by Committee on Transportation—HJ 352
 03/25/2019 House—Committee of the Whole - Be passed as amended—HJ 434
 03/26/2019 House—Final Action - Passed as amended; Yea: 124 Nay: 0—HJ 492
 03/26/2019 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Petersen, Senator Goddard and Senator Pettey as conferees—SJ 291
 04/02/2019 House—Motion to accede adopted; Representative Proehl, Representative Thimesch and Representative Helgerson appointed as conferees—HJ 548
 04/03/2019 House—Conference Committee Report agree to disagree adopted; Representative Proehl, Representative Thimesch and Representative Helgerson appointed as second conferees—HJ 560
 04/04/2019 Senate—Conference Committee Report agree to disagree adopted; Senator Petersen, Senator Goddard and Senator Pettey appointed as second conferees—SJ 361
 04/05/2019 House—Conference Committee Report was adopted; Yea: 101 Nay: 20—HJ 790

- 05/01/2019 Senate—Conference Committee Report was adopted; Yea: 40 Nay: 0—
SJ 636
- 05/14/2019 Senate—Enrolled and presented to Governor on Monday, May 6, 2019
- 05/14/2019 Senate—Approved by Governor on Thursday, May 16, 2019
- S 64** Bill by Senator Holland
Requiring the attorney general to carry out certain duties related to investigating sexual abuse committed by a minister of religion.
- 01/31/2019 Senate—Introduced—SJ 53
- 02/01/2019 Senate—Referred to Committee on Federal and State Affairs—SJ 55
- S 65** Bill by Senator Holland
Requiring the attorney general to carry out certain duties related to investigating corruption committed by a public officer or public employee.
- 01/31/2019 Senate—Introduced—SJ 53
- 02/01/2019 Senate—Referred to Committee on Judiciary—SJ 55
- S 66** Bill by Financial Institutions and Insurance
Exempting certain domestic insurers from filing enterprise risk reports.
- 01/31/2019 Senate—Introduced—SJ 53
- 02/01/2019 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 55
- 02/06/2019 Senate—Hearing: Wednesday, February 13, 2019, 9:30 AM Room 546-S
- 02/14/2019 Senate—Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance—SJ 97
- 02/19/2019 House—Committee of the Whole - Be passed—SJ 106
- 02/20/2019 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 109
- 02/21/2019 House—Received and Introduced—HJ 209
- 02/22/2019 House—Referred to Committee on Insurance—HJ 221
- 03/07/2019 House—Hearing: Monday, March 11, 2019, 3:30 PM Room 212-N
- 03/14/2019 House—Committee Report recommending bill be passed as amended by Committee on Insurance—HJ 348
- 03/25/2019 House—Committee of the Whole - Be passed as amended—HJ 430
- 03/26/2019 House—Final Action - Passed as amended; Yea: 123 Nay: 1—HJ 493
- 03/27/2019 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Olson, Senator Billinger and Senator Ware as conferees—SJ 306
- 04/01/2019 House—Motion to accede adopted; Representative Vickrey, Representative Cox and Representative Neighbor appointed as conferees—HJ 542
- S 67** Bill by Financial Institutions and Insurance
Requiring notification to patients that the effects of a medication abortion may be reversible.
- 01/31/2019 Senate—Introduced—SJ 53
- 02/01/2019 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 55
- 02/06/2019 Senate—Hearing: Wednesday, February 13, 2019, 9:30 AM Room 546-S
- 02/14/2019 Senate—Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance—SJ 97
- 02/26/2019 Senate—Committee of the Whole - Be passed—SJ 135

- 02/27/2019 Senate—Final Action - Passed; Yea: 39 Nay: 0—SJ 158
- 02/28/2019 House—Received and Introduced—HJ 304
- 03/06/2019 House—Referred to Committee on Financial Institutions and Pensions—HJ 307
- 03/07/2019 House—Withdrawn from Committee on Financial Institutions and Pensions; Referred to Committee on Insurance—HJ 311
- 03/08/2019 House—Hearing: Wednesday, March 13, 2019, 3:30 PM Room 212-N
- 03/13/2019 House—Hearing: Monday, March 18, 2019, 3:30 PM Room 212-N
- 03/20/2019 House—Committee Report recommending bill be passed by Committee on Insurance—HJ 397
- 03/25/2019 House—Committee of the Whole - Be passed as amended—HJ 466
- 03/26/2019 House—Final Action - Passed as amended; Yea: 124 Nay: 0—HJ 493
- 03/27/2019 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Olson, Senator Billinger and Senator Ware as conferees—SJ 306
- 04/01/2019 House—Motion to accede adopted; Representative Vickrey, Representative Cox and Representative Neighbor appointed as conferees—HJ 542
- 04/04/2019 Senate—Senator Suellentrop, Senator Berger, and Senator Bollier are appointed to replace Senator Olson, Senator Billinger, and Senator Ware on the Conference Committee—SJ 362
- 04/04/2019 House—Representative Landwehr, Representative Eplee, and Representative Murnan are appointed to replace Representative Vickrey, Representative Cox, and Representative Neighbor on the Conference Committee—HJ 605
- 04/05/2019 House—Conference Committee Report was adopted; Yea: 85 Nay: 35—HJ 825
- 04/05/2019 Senate—Conference Committee Report was adopted; Yea: 26 Nay: 11—SJ 556
- 05/01/2019 Senate—Enrolled and presented to Governor on Friday, April 12, 2019—SJ 664
- 05/01/2019 Senate—Vetoed by Governor; Returned to Senate on Monday, April 22, 2019—SJ 593
- 05/01/2019 Senate—Motion to override veto prevailed; Yea: 27 Nay: 13—SJ 594
- 05/01/2019 House—Motion to override veto failed; Veto sustained; Yea: 82 Nay: 43—HJ 843
- 05/02/2019 House—Motion to Reconsider Failed Yea: 83 Nay: 41—HJ 864
- S 68** Bill by Utilities
Limiting the fees and agreements cities can require a wireless services provider to enter for the provision of wireless telecommunications service.
- 01/31/2019 Senate—Introduced—SJ 53
- 02/01/2019 Senate—Hearing: (opponents) Thursday, February 7, 2019, 1:30 PM Room 548-S
- 02/01/2019 Senate—Hearing: (neutral) Wednesday, February 6, 2019, 1:30 PM Room 548-S
- 02/01/2019 Senate—Hearing: (proponents) Wednesday, February 6, 2019, 1:30 PM Room 548-S
- 02/01/2019 Senate—Referred to Committee on Utilities—SJ 55
- 02/22/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Utilities—SJ 121

- 02/26/2019 Senate—Committee of the Whole - Be passed as further amended—SJ 135
- 02/27/2019 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 159
- 02/28/2019 House—Received and Introduced—HJ 304
- 03/06/2019 House—Referred to Committee on Energy, Utilities and Telecommunications—HJ 307
- 03/06/2019 House—Hearing: Thursday, March 14, 2019, 9:00 AM Room 281-N
- 03/22/2019 House—Committee Report recommending bill be passed by Committee on Energy, Utilities and Telecommunications—HJ 417
- 03/25/2019 House—Committee of the Whole - Be passed—HJ 442
- 03/26/2019 House—Final Action - Passed; Yea: 112 Nay: 12—HJ 494
- 04/02/2019 Senate—Enrolled and presented to Governor on Tuesday, April 2, 2019—SJ 355
- S 69** 05/01/2019 Senate—Approved by Governor on Thursday, April 11, 2019—SJ 592
 Bill by Federal and State Affairs
Substitute for SB 69 by Committee on Utilities - Requiring an electric rate study of certain electric utilities.
- 01/31/2019 Senate—Introduced—SJ 53
- 02/01/2019 Senate—Referred to Committee on Utilities—SJ 55
- 02/15/2019 Senate—Hearing: (proponents) Wednesday, February 20, 2019, 1:30 PM Room 548-S
- 02/15/2019 Senate—Hearing: (opponents) Tuesday, February 19, 2019, 1:30 PM Room 548-S
- 03/12/2019 Senate—Committee Report recommending substitute bill be passed by Committee on Utilities—SJ 185
- 03/13/2019 Senate—Committee of the Whole - Motion to rerefer to committee failed—SJ 190
- 03/13/2019 Senate—Committee of the Whole - Substitute bill be passed—SJ 190
- 03/14/2019 Senate—Final Action - Substitute passed; Yea: 38 Nay: 1—SJ 196
- 03/15/2019 House—Received and Introduced—HJ 351
- 03/15/2019 House—Hearing: Tuesday, March 19, 2019, 8:30 AM Room 281-N
- 03/18/2019 House—Referred to Committee on Energy, Utilities and Telecommunications—HJ 359
- 03/22/2019 House—Committee Report recommending bill be passed as amended by Committee on Energy, Utilities and Telecommunications—HJ 417
- 03/25/2019 House—Committee of the Whole - Be passed as amended—HJ 475
- 03/26/2019 House—Final Action - Passed as amended; Yea: 117 Nay: 7—HJ 494
- 03/26/2019 Senate—Concurred with amendments; Yea: 37 Nay: 1—SJ 292
- 04/02/2019 Senate—Enrolled and presented to Governor on Tuesday, April 2, 2019—SJ 355
- S 70** 05/01/2019 Senate—Approved by Governor on Wednesday, April 10, 2019—SJ 592
 Bill by Federal and State Affairs
Alcoholic liquor amendments relating to temporary permits, delivery of alcoholic liquors to consumers, common consumption areas and producer permits.
- 01/31/2019 Senate—Introduced—SJ 53
- 02/01/2019 Senate—Referred to Committee on Federal and State Affairs—SJ 55
- 02/06/2019 Senate—Hearing: Wednesday, February 13, 2019, 10:30 AM Room 144-S

- 02/25/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 125
- 03/12/2019 Senate—Committee of the Whole - Be passed as further amended—SJ 181
- 03/13/2019 Senate—Final Action - Passed as amended; Yea: 38 Nay: 0—SJ 189
- 03/14/2019 House—Received and Introduced—HJ 345
- 03/15/2019 House—Referred to Committee on Federal and State Affairs—HJ 351
- 03/19/2019 House—Hearing: Friday, March 22, 2019, 9:00 AM Room 346-S
- 03/25/2019 House—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—HJ 438
- 03/26/2019 House—Committee of the Whole - Be passed as amended—HJ 526
- 03/27/2019 House—Final Action - Passed as amended; Yea: 119 Nay: 5—HJ 535
- 03/27/2019 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Estes, Senator Olson and Senator Faust-Goudeau as conferees—SJ 334
- 04/01/2019 House—Motion to accede adopted; Representative Barker, Representative Awerkamp and Representative Ruiz, L. appointed as conferees—HJ 542
- 04/03/2019 House—Representative Clayton is appointed to replace Representative Ruiz, L. on the Conference Committee—HJ 554
- 04/05/2019 House—Conference Committee Report was adopted; Yea: 119 Nay: 4—HJ 646
- 04/05/2019 Senate—Conference Committee Report was adopted; Yea: 37 Nay: 0—SJ 560
- 05/01/2019 Senate—Enrolled and presented to Governor on Friday, April 12, 2019—SJ 664
- 05/01/2019 Senate—Approved by Governor on Monday, April 22, 2019—SJ 592
- S 71**
 Bill by Education
Eliminating the expiration of the postsecondary technical education authority and requiring a report to the legislature.
- 01/31/2019 Senate—Introduced—SJ 53
- 02/01/2019 Senate—Referred to Committee on Education—SJ 55
- 02/04/2019 Senate—Hearing: Tuesday, February 5, 2019, 1:30 PM Room 144-S
- 02/18/2019 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Education—SJ 103
- 02/27/2019 Senate—Consent Calendar Passed Yea: 40 Nay: 0—SJ 156
- 02/28/2019 House—Received and Introduced—HJ 304
- 03/06/2019 House—Referred to Committee on Education—HJ 307
- 03/06/2019 House—Hearing: Monday, March 11, 2019, 1:30 PM Room 218-N
- 03/20/2019 House—Committee Report recommending bill be passed by Committee on Education—HJ 396
- 03/25/2019 House—Committee of the Whole - Be passed—HJ 465
- 03/26/2019 House—Final Action - Passed; Yea: 123 Nay: 1—HJ 495
- 04/02/2019 Senate—Enrolled and presented to Governor on Tuesday, April 2, 2019—SJ 355
- 05/01/2019 Senate—Approved by Governor on Wednesday, April 10, 2019—SJ 592
- S 72**
 Bill by Ways and Means
Supplemental appropriations for FY 2019, FY 2020, FY 2021, FY 2022, FY 2023 and FY 2024 for various state agencies.
- 01/31/2019 Senate—Introduced—SJ 53

- 02/01/2019 Senate—Referred to Committee on Ways and Means—SJ 55
 03/11/2019 Senate—Hearing: Tuesday, March 12, 2019, 10:30 AM Room 548-S
S 73 Bill by Ways and Means
Amortizing the state and school KPERS actuarial accrued liability over a 30-year period and eliminating certain level-dollar employer contribution payments.
 01/31/2019 Senate—Introduced—SJ 53
 02/01/2019 Senate—Referred to Committee on Ways and Means—SJ 55
S 74 Bill by Ways and Means
Providing a post-retirement benefit increase (COLA) for certain KPERS retirees.
 01/31/2019 Senate—Introduced—SJ 54
 02/01/2019 Senate—Referred to Committee on Ways and Means—SJ 55
S 75 Bill by Ways and Means
Substitute for SB 75 by Committee on Ways and Means - Appropriations for FY2019, FY 2020, FY 2021 and FY 2022 for various state agencies.
 01/31/2019 Senate—Introduced—SJ 54
 02/01/2019 Senate—Referred to Committee on Ways and Means—SJ 55
 03/11/2019 Senate—Hearing: Tuesday, March 12, 2019, 10:30 AM Room 548-S
 03/19/2019 Senate—Committee Report recommending substitute bill be passed by Committee on Ways and Means—SJ 221
 03/21/2019 Senate—Motion to postpone consideration to day certain. Motion not adopted.
 03/21/2019 Senate—Committee of the Whole - Substitute bill be passed as amended—SJ 239
 03/21/2019 Senate—Emergency Final Action - Passed as amended; Yea: 21 Nay: 18—SJ 239
 03/22/2019 House—Received and Introduced—HJ 416
 03/25/2019 House—Referred to Committee on Appropriations—HJ 429
S 76 Bill by Ways and Means
Sales tax rate on food and food ingredients.
 01/31/2019 Senate—Introduced—SJ 54
 02/01/2019 Senate—Referred to Committee on Assessment and Taxation—SJ 55
 02/13/2019 Senate—Hearing: Thursday, February 21, 2019, 9:30 AM Room 548-S
S 77 Bill by Judiciary
Requiring the department for children and families to offer services to children with sexual behavior problems and to such child's family.
 02/01/2019 Senate—Introduced—SJ 55
 02/04/2019 Senate—Referred to Committee on Judiciary—SJ 58
 02/06/2019 Senate—Hearing: Tuesday, February 12, 2019, 10:30 AM Room 346-S
 02/21/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 118
 02/27/2019 Senate—Committee of the Whole - Be passed as amended—SJ 161
 02/27/2019 Senate—Emergency Final Action - Passed as amended; Yea: 38 Nay: 0—SJ 163
 02/28/2019 House—Received and Introduced—HJ 304
 03/06/2019 House—Referred to Committee on Federal and State Affairs—HJ 307
 03/15/2019 House—Hearing: Tuesday, March 19, 2019, 9:00 AM Room 346-S
 03/20/2019 House—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—HJ 391

03/25/2019 House—Committee of the Whole - Be passed as amended—HJ 474
 03/26/2019 House—Final Action - Passed as amended; Yea: 124 Nay: 0—HJ 495
 03/27/2019 Senate—Concurred with amendments; Yea: 39 Nay: 0—SJ 334
 04/02/2019 Senate—Enrolled and presented to Governor on Tuesday, April 2, 2019
 —SJ 355

05/01/2019 Senate—Approved by Governor on Friday, April 12, 2019—SJ 592

S 78

Bill by Judiciary

Regulating assignment of rights or benefits to a residential contractor under a property and casualty insurance policy insuring residential real estate; enacting housing protections for victims of domestic violence, sexual assault, human trafficking or stalking.

02/01/2019 Senate—Introduced—SJ 55

02/04/2019 Senate—Referred to Committee on Judiciary—SJ 58

02/13/2019 Senate—Hearing: Tuesday, February 19, 2019, 10:30 AM Room 346-S

02/21/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 119

02/26/2019 Senate—Committee of the Whole - Be passed as further amended—SJ 135

02/27/2019 Senate—Final Action - Passed as amended; Yea: 38 Nay: 1—SJ 159

02/28/2019 House—Received and Introduced—HJ 304

03/06/2019 House—Referred to Committee on Judiciary—HJ 307

03/06/2019 House—Hearing: Monday, March 11, 2019, 3:30 PM Room 346-S

03/19/2019 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 368

03/25/2019 House—Committee of the Whole - Be passed as amended—HJ 465

03/26/2019 House—Final Action - Passed as amended; Yea: 123 Nay: 1—HJ 496

03/27/2019 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Wilborn, Senator Rucker and Senator Miller as conferees—SJ 306

04/01/2019 House—Motion to accede adopted; Representative Patton, Representative Ralph and Representative Carmichael appointed as conferees—HJ 542

04/05/2019 House—Substitute motion to not adopt and appoint a conference committee failed—HJ 643

04/05/2019 House—Conference Committee Report was adopted; Yea: 100 Nay: 23—HJ 643

04/05/2019 Senate—Conference Committee Report was adopted; Yea: 36 Nay: 1—SJ 568

05/01/2019 Senate—Enrolled and presented to Governor on Friday, April 12, 2019—SJ 664

05/01/2019 Senate—Approved by Governor on Monday, April 22, 2019—SJ 592

S 79

Bill by Transportation

Modifying left turn lane traffic requirements.

02/01/2019 Senate—Introduced—SJ 55

02/04/2019 Senate—Referred to Committee on Transportation—SJ 58

02/13/2019 Senate—Hearing: Wednesday, February 20, 2019, 8:30 AM Room 546-S

S 80

Bill by Judiciary

Increasing the criminal penalty for criminal possession of a weapon by a felon and adding ammunition to the definition of weapon.

- 02/01/2019 Senate—Introduced—SJ 55
 02/04/2019 Senate—Referred to Committee on Judiciary—SJ 58
 02/13/2019 Senate—Hearing: Wednesday, February 20, 2019, 10:30 AM Room 346-S
 02/25/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 129
- S 81** Bill by Judiciary
Changing penalties for crimes related to motor vehicles.
 02/01/2019 Senate—Introduced—SJ 55
 02/04/2019 Senate—Referred to Committee on Judiciary—SJ 58
 02/06/2019 Senate—Hearing: Wednesday, February 13, 2019, 10:30 AM Room 346-S
 02/25/2019 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 129
- S 82** Bill by Financial Institutions and Insurance
Updating the state banking code.
 02/04/2019 Senate—Introduced—SJ 57
 02/05/2019 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 63
 02/06/2019 Senate—Hearing: Tuesday, February 12, 2019, 9:30 AM Room 546-S
 02/14/2019 Senate—Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance—SJ 97
 02/26/2019 Senate—Committee of the Whole - Be passed—SJ 135
 02/27/2019 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 159
 02/28/2019 House—Received and Introduced—HJ 304
 03/06/2019 House—Hearing: Monday, March 11, 2019, 9:00 AM Room 281-N
 03/06/2019 House—Referred to Committee on Financial Institutions and Pensions—HJ 307
 03/14/2019 House—Committee Report recommending bill be passed by Committee on Financial Institutions and Pensions—HJ 345
 03/25/2019 House—Committee of the Whole - Be passed—HJ 430
 03/26/2019 House—Final Action - Passed; Yea: 124 Nay: 0—HJ 496
 04/02/2019 Senate—Enrolled and presented to Governor on Tuesday, April 2, 2019—SJ 355
 05/01/2019 Senate—Approved by Governor on Wednesday, April 10, 2019—SJ 592
- S 83** Bill by Federal and State Affairs
Increasing the credit to the EMS revolving fund from district court fines, penalties or forfeitures.
 02/04/2019 Senate—Introduced—SJ 57
 02/05/2019 Senate—Referred to Committee on Judiciary—SJ 63
 02/06/2019 Senate—Hearing: Wednesday, February 13, 2019, 10:30 AM Room 346-S
- S 84** Bill by Senators Bollier, Berger, Doll, Faust-Goudeau, Francisco, Givens, Haley, Hardy, Hawk, Hensley, Holland, McGinn, Miller, Pettey, Skubal, Sykes, Taylor, Ware
Amending the Kansas act against discrimination to include sexual orientation and gender identity or expression.
 02/04/2019 Senate—Introduced—SJ 58
 02/05/2019 Senate—Referred to Committee on Judiciary—SJ 63

- S 85** Bill by Judiciary
Authorizing staggered sentencing for certain offenders convicted of domestic battery.
 02/04/2019 Senate—Introduced—SJ 58
 02/05/2019 Senate—Referred to Committee on Judiciary—SJ 63
- S 86** Bill by Judiciary
Authorizing staggered sentencing for certain offenders convicted of driving under the influence.
 02/04/2019 Senate—Introduced—SJ 58
 02/05/2019 Senate—Referred to Committee on Judiciary—SJ 63
- S 87** Bill by Judiciary
Allowing certain persons with suspended drivers' licenses to enter into amnesty agreements with the district court.
 02/04/2019 Senate—Introduced—SJ 58
 02/05/2019 Senate—Referred to Committee on Judiciary—SJ 63
 02/13/2019 Senate—Hearing: Friday, February 22, 2019, 10:30 AM Room 346-S
- S 88** Bill by Judiciary
Increasing the criminal penalties for violation of a protective order.
 02/04/2019 Senate—Introduced—SJ 58
 02/05/2019 Senate—Referred to Committee on Judiciary—SJ 63
 02/13/2019 Senate—Hearing: Friday, February 22, 2019, 10:30 AM Room 346-S
- S 89** Bill by Judiciary
Modifying the membership and duties of the substance abuse policy board of the Kansas criminal justice coordinating council.
 02/04/2019 Senate—Introduced—SJ 58
 02/05/2019 Senate—Referred to Committee on Judiciary—SJ 63
 02/13/2019 Senate—Hearing: Friday, February 22, 2019, 10:30 AM Room 346-S
- S 90** Bill by Commerce
Extending the tax credit under the center for entrepreneurship act to financial institutions and increasing the annual tax credit limit for all contributors.
 02/04/2019 Senate—Introduced—SJ 58
 02/05/2019 Senate—Referred to Committee on Commerce—SJ 62
 02/06/2019 Senate—Hearing: Wednesday, February 13, 2019, 8:30 AM Room 548-S
 02/21/2019 Senate—Committee Report recommending bill be passed by Committee on Commerce—SJ 118
 02/26/2019 Senate—Committee of the Whole - Be passed—SJ 135
 02/27/2019 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 159
 02/28/2019 House—Received and Introduced—HJ 304
 03/06/2019 House—Referred to Committee on Commerce, Labor and Economic Development—HJ 307
 03/06/2019 House—Hearing: Tuesday, March 12, 2019, 1:30 PM Room 112-N
 03/15/2019 House—Committee Report recommending bill be passed by Committee on Commerce, Labor and Economic Development—HJ 352
 03/25/2019 House—Committee of the Whole - Be passed—HJ 430
 03/26/2019 House—Final Action - Passed; Yea: 122 Nay: 2—HJ 497
 04/02/2019 Senate—Enrolled and presented to Governor on Tuesday, April 2, 2019—SJ 355
 04/05/2019 Senate—Approved by Governor on Thursday, April 4, 2019—SJ 555

- S 91** Bill by Senators Holland, Baumgardner, Doll, Faust-Goudeau, Haley, Hawk, Lynn, Pettey, Sykes
Establishing the golden years homestead property tax freeze act providing refund for certain increases in residential property taxes and allowing homestead property tax refund for disabled veteran renters; increasing the standard deduction.
 02/04/2019 Senate—Introduced—SJ 58
 02/05/2019 Senate—Referred to Committee on Assessment and Taxation—SJ 62
 02/06/2019 Senate—Hearing: Thursday, February 14, 2019, 9:30 AM Room 548-S
 03/25/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 281
 03/25/2019 Senate—Withdrawn from Calendar; Referred to Senate Select Committee on Federal Tax Code Implementation—SJ 283
- S 92** Bill by Senators Holland, Bollier, Doll, Faust-Goudeau, Francisco, Hawk, Hensley, Pettey
Workers compensation impairment determination; use of AMA guidelines.
 02/04/2019 Senate—Introduced—SJ 58
 02/05/2019 Senate—Referred to Committee on Commerce—SJ 62
- S 93** Bill by Public Health and Welfare
Establishing restrictions on the use of step therapy protocols by health insurance plans.
 02/05/2019 Senate—Introduced—SJ 60
 02/06/2019 Senate—Referred to Committee on Public Health and Welfare—SJ 68
 02/20/2019 Senate—Hearing: Monday, February 25, 2019, 9:30 AM Room 118-N
- S 94** Bill by Transportation
Establishing a minimum course duration for motor vehicle accident prevention courses.
 02/05/2019 Senate—Introduced—SJ 60
 02/06/2019 Senate—Referred to Committee on Transportation—SJ 68
 02/13/2019 Senate—Hearing: Tuesday, February 19, 2019, 8:30 AM Room 546-S
 02/25/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 133
 02/26/2019 Senate—Committee of the Whole - Be passed as amended—SJ 135
 02/27/2019 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 160
 02/28/2019 House—Received and Introduced—HJ 304
 03/06/2019 House—Referred to Committee on Transportation—HJ 308
 03/06/2019 House—Hearing: Wednesday, March 13, 2019, 1:30 PM Room 582-N
 03/15/2019 House—Committee Report recommending bill be passed by Committee on Transportation—HJ 352
 03/25/2019 House—Committee of the Whole - Be passed—HJ 430
 03/26/2019 House—Final Action - Passed; Yea: 120 Nay: 4—HJ 497
 04/02/2019 Senate—Enrolled and presented to Governor on Tuesday, April 2, 2019—SJ 355
 04/05/2019 Senate—Approved by Governor on Thursday, April 4, 2019—SJ 555
- S 95** Bill by Ways and Means
Transferring certain duties concerning substances to be administered in carrying out a sentence of death from the secretary of health and environment to the state board of pharmacy and state board of healing arts.
 02/05/2019 Senate—Introduced—SJ 60

- 02/06/2019 Senate—Referred to Committee on Judiciary—SJ 68
- S 96** Bill by Ways and Means
Requiring inspections of areas in a state correctional facility designated by the secretary of corrections for use in carrying out a sentence of death.
 02/05/2019 Senate—Introduced—SJ 61
 02/06/2019 Senate—Referred to Committee on Judiciary—SJ 68
- S 97** Bill by Transportation
Division of vehicles registering fleet vehicles.
 02/05/2019 Senate—Introduced—SJ 61
 02/06/2019 Senate—Referred to Committee on Transportation—SJ 68
 02/13/2019 Senate—Hearing: Tuesday, February 19, 2019, 8:30 AM Room 546-S
 02/21/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 119
 02/26/2019 Senate—Committee of the Whole - Be passed as amended—SJ 135
 02/27/2019 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 160
 02/28/2019 House—Received and Introduced—HJ 304
 03/06/2019 House—Referred to Committee on Transportation—HJ 308
 03/06/2019 House—Hearing: Tuesday, March 12, 2019, 1:30 PM Room 582-N
 03/12/2019 House—Hearing: Wednesday, March 13, 2019, 1:30 PM Room 582-N
 03/15/2019 House—Committee Report recommending bill be passed by Committee on Transportation—HJ 352
 03/25/2019 House—Committee of the Whole - Be passed—HJ 430
 03/26/2019 House—Final Action - Passed; Yea: 124 Nay: 0—HJ 498
 04/02/2019 Senate—Enrolled and presented to Governor on Tuesday, April 2, 2019—SJ 355
 05/01/2019 Senate—Approved by Governor on Wednesday, April 10, 2019—SJ 592
- S 98** Bill by Federal and State Affairs
Amendments to the Kansas expanded lottery act relating to racetrack gaming and Wyandotte county horse racing.
 02/05/2019 Senate—Introduced—SJ 61
 02/06/2019 Senate—Referred to Committee on Federal and State Affairs—SJ 68
- S 99** Bill by Federal and State Affairs
Updating certain emergency medical services-related statutes.
 02/05/2019 Senate—Introduced—SJ 61
 02/06/2019 Senate—Hearing: Thursday, February 14, 2019, 10:30 AM Room 144-S
 02/06/2019 Senate—Referred to Committee on Federal and State Affairs—SJ 68
 02/20/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 112
 03/12/2019 Senate—Committee of the Whole - Be passed as amended—SJ 181
 03/13/2019 Senate—Final Action - Passed as amended; Yea: 36 Nay: 2—SJ 189
 03/14/2019 House—Received and Introduced—HJ 345
 03/15/2019 House—Referred to Committee on Federal and State Affairs—HJ 351
 03/19/2019 House—Hearing: Friday, March 22, 2019, 9:00 AM Room 346-S
 03/25/2019 House—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—HJ 438
- S 100** Bill by Judiciary
Amending residency restrictions for persons on transitional or conditional release under the Kansas sexually violent predator act.
 02/05/2019 Senate—Introduced—SJ 61
 02/06/2019 Senate—Referred to Committee on Judiciary—SJ 68

- S 101** Bill by Judiciary
Amending ignition interlock requirements for certain first time DUI-related offenses.
 02/05/2019 Senate—Introduced—SJ 61
 02/06/2019 Senate—Referred to Committee on Judiciary—SJ 68
- S 102** Bill by Judiciary
Creating the Kansas closed case task force, pertaining to identification and investigation of hits to the combined DNA index system (CODIS) in closed cases.
 02/05/2019 Senate—Introduced—SJ 61
 02/06/2019 Senate—Referred to Committee on Judiciary—SJ 68
 02/13/2019 Senate—Hearing: Tuesday, February 19, 2019, 10:30 AM Room 346-S
 03/08/2019 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Ways and Means—SJ 175
 03/11/2019 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Judiciary—SJ 177
 03/14/2019 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Judiciary—SJ 201
 03/21/2019 Senate—Consent Calendar Passed Yea: 38 Nay: 1—SJ 236
 03/22/2019 House—Received and Introduced—HJ 416
 03/25/2019 House—Referred to Committee on Judiciary—HJ 429
- S 103** Bill by Judiciary
Increasing criminal penalties for hate crimes.
 02/05/2019 Senate—Introduced—SJ 61
 02/06/2019 Senate—Referred to Committee on Judiciary—SJ 68
- S 104** Bill by Senate Select Federal Tax Code Implementation
Enacting the Kansas taxpayer protection act; requiring the signature and tax identification number of paid tax return preparers on income tax returns; authorizing actions to enjoin paid tax return preparers from engaging in certain conduct; establishing the golden years homestead property tax freeze act providing refund for certain increases in residential property taxes and allowing homestead property tax refund for renters; and expanding the expense deduction to all taxpayers.
 02/05/2019 Senate—Introduced—SJ 61
 02/06/2019 Senate—Referred to Committee on Assessment and Taxation—SJ 68
 02/07/2019 Senate—Hearing: Tuesday, February 12, 2019, 9:30 AM Room 548-S
 03/25/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 282
 03/27/2019 Senate—Committee of the Whole - Be passed as further amended—SJ 314
 03/27/2019 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 331
 04/01/2019 House—Received and Introduced—HJ 541
 04/02/2019 House—Hearing: Wednesday, April 3, 2019, 3:00 PM Room 582-N
 04/02/2019 House—Referred to Committee on Taxation—HJ 547
- S 105** Bill by Ethics, Elections and Local Government
Elections; cities; date for taking office.
 02/06/2019 Senate—Introduced—SJ 65
 02/07/2019 Senate—Hearing: Thursday, February 14, 2019, 9:30 AM Room 142-S

- 02/07/2019 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 71
- 02/20/2019 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Ethics, Elections and Local Government—SJ 112
- 02/27/2019 Senate—Consent Calendar Passed Yea: 40 Nay: 0—SJ 156
- 02/28/2019 House—Received and Introduced—HJ 304
- 03/06/2019 House—Referred to Committee on Elections—HJ 307
- 03/06/2019 House—Hearing: Tuesday, March 12, 2019, 3:30 PM Room 212-N
- 03/20/2019 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Elections—HJ 396
- 03/25/2019 House—Final Action - Passed; Yea: 124 Nay: 0—HJ 430
- 04/01/2019 Senate—Enrolled and presented to Governor on Monday, April 1, 2019—SJ 350
- 05/01/2019 Senate—Approved by Governor on Monday, April 8, 2019—SJ 592
- S 106** Bill by Judiciary
Directing the attorney general to seek damages for the state from any person who knowingly contributed to the wrongful conviction and imprisonment of a person and to prosecute ouster and criminal proceedings as warranted.
- 02/06/2019 Senate—Introduced—SJ 65
- 02/07/2019 Senate—Referred to Committee on Judiciary—SJ 71
- S 107** Bill by Judiciary
Modifying when attorney fees are awarded in certain actions against an insurance company.
- 02/06/2019 Senate—Introduced—SJ 65
- 02/07/2019 Senate—Referred to Committee on Judiciary—SJ 71
- S 108** Bill by Judiciary
Increasing criminal penalties for abuse of a child and involuntary manslaughter when the victim is under 6 years of age and exempting certain victims from being considered an aggressor or participant as a mitigating factor when considering a departure sentence.
- 02/06/2019 Senate—Introduced—SJ 65
- 02/07/2019 Senate—Referred to Committee on Judiciary—SJ 71
- 02/13/2019 Senate—Hearing: Tuesday, February 19, 2019, 10:30 AM Room 346-S
- 02/25/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 130
- 02/27/2019 Senate—Withdrawn from Calendar, Rereferred to Committee on Ways and Means—SJ 166
- 02/28/2019 Senate—Withdrawn from Committee on Ways and Means and referred to Committee of the Whole—SJ 167
- 03/27/2019 Senate—Committee of the Whole - Be passed as further amended—SJ 312
- 03/27/2019 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 331
- 04/01/2019 House—Received and Introduced—HJ 541
- 04/02/2019 House—Referred to Committee on Judiciary—HJ 547
- S 109** Bill by Financial Institutions and Insurance
Repealing the Kansas uninsurable health insurance plan act.
- 02/06/2019 Senate—Introduced—SJ 66

- 02/07/2019 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 71
- 02/13/2019 Senate—Hearing: Tuesday, February 19, 2019, 9:30 AM Room 546-S
- 02/20/2019 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Financial Institutions and Insurance—SJ 115
- 02/25/2019 Senate—Withdrawn from Consent Calendar and placed on General Orders—SJ 124
- 04/05/2019 Senate—Withdrawn from Calendar, Rereferred to Committee on Financial Institutions and Insurance—SJ 555
- S 110** Bill by Senator Holland
Requiring the Kansas department of health and environment and the Kansas department of agriculture to conduct a health impact assessment of confined animal feeding operations for chickens.
 02/06/2019 Senate—Introduced—SJ 66
 02/07/2019 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 71
- S 111** Bill by Senator Holland
Requiring counties to approve the establishment of a poultry confinement facility and establishing the procedures therefor.
 02/06/2019 Senate—Introduced—SJ 66
 02/07/2019 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 71
- S 112** Bill by Senator Holland
Requiring counties to approve the establishment of a poultry production or poultry slaughter facility and establishing the procedures therefor.
 02/06/2019 Senate—Introduced—SJ 66
 02/07/2019 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 71
- S 113** Bill by Senators Holland, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Miller, Pettey
Providing for the legal use of medical cannabis.
 02/06/2019 Senate—Introduced—SJ 66
 02/07/2019 Senate—Referred to Committee on Public Health and Welfare—SJ 71
 03/06/2019 Senate—Hearing continuation: Friday, March 15, 2019, 9:30 AM Room 118-N
 03/06/2019 Senate—Hearing: Thursday, March 14, 2019, 9:30 AM Room 118-N
- S 114** Bill by Federal and State Affairs
Prisoner healthcare costs; payment; cities, counties and other governmental entities.
 02/06/2019 Senate—Introduced—SJ 66
 02/07/2019 Senate—Referred to Committee on Judiciary—SJ 71
- S 115** Bill by Senator Haley
Interstate compact on the agreement among the states to elect the president by national popular vote.
 02/06/2019 Senate—Introduced—SJ 66
 02/07/2019 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 71
- S 116** Bill by Ethics, Elections and Local Government
Elections; recognition of political parties; petitions.

- 02/06/2019 Senate—Introduced—SJ 66
 02/07/2019 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 71
- S 117** Bill by Agriculture and Natural Resources
Requirements for the treatment and transportation of diseased dogs and cats.
 02/06/2019 Senate—Introduced—SJ 66
 02/07/2019 Senate—Hearing: Tuesday, February 12, 2019, 8:30 AM Room 159-S
 02/07/2019 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 71
- S 118** Bill by Federal and State Affairs
Protecting counties from debts or obligations of a county hospital upon its closure.
 02/06/2019 Senate—Introduced—SJ 66
 02/07/2019 Senate—Referred to Committee on Ways and Means—SJ 71
 02/13/2019 Senate—Hearing: Wednesday, February 20, 2019, 10:30 AM Room 548-S
- S 119** Bill by Senator Haley
Encouraging judicial districts to establish and utilize specialty courts.
 02/06/2019 Senate—Introduced—SJ 66
 02/07/2019 Senate—Referred to Committee on Judiciary—SJ 71
 02/13/2019 Senate—Hearing: Wednesday, February 20, 2019, 10:30 AM Room 346-S
- S 120** Bill by Public Health and Welfare
Providing for certain business entities to engage in the corporate practice of medicine.
 02/07/2019 Senate—Introduced—SJ 70
 02/08/2019 Senate—Referred to Committee on Public Health and Welfare—SJ 79
- S 121** Bill by Financial Institutions and Insurance
Permitting local eligible employers to affiliate with KP&F with regard to coverage of certain local corrections employees.
 02/07/2019 Senate—Introduced—SJ 70
 02/08/2019 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 79
 02/13/2019 Senate—Hearing: Tuesday, February 19, 2019, 9:30 AM Room 546-S
 02/20/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 115
- S 122** Bill by Public Health and Welfare
Implementing medicaid and educational services for foster care youth and certain former foster care youth.
 02/07/2019 Senate—Introduced—SJ 71
 02/08/2019 Senate—Referred to Committee on Public Health and Welfare—SJ 79
 02/13/2019 Senate—Hearing: Wednesday, February 20, 2019, 9:30 AM Room 118-N
 02/25/2019 Senate—Withdrawn from Committee on Public Health and Welfare; Referred to Committee on Ways and Means—SJ 124
 02/26/2019 Senate—Withdrawn from Committee on Ways and Means; Referred to Committee on Public Health and Welfare—SJ 153
- S 123** Bill by Assessment and Taxation
Providing a sales tax exemption for approved nonprofit sponsor of summer food service program.

- 02/07/2019 Senate—Introduced—SJ 71
 02/08/2019 Senate—Referred to Committee on Assessment and Taxation—SJ 79
 02/13/2019 Senate—Hearing: Wednesday, February 20, 2019, 9:30 AM Room 548-S
 03/25/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 282
- S 124** Bill by Ways and Means
Prohibiting the state corporation commission from authorizing certain charges for electric service.
 02/07/2019 Senate—Introduced—SJ 71
 02/08/2019 Senate—Referred to Committee on Utilities—SJ 79
 02/20/2019 Senate—Hearing: Monday, February 25, 2019, 1:30 PM Room 548-S
- S 125** Bill by Senators Hilderbrand, Alley, Baumgardner, Berger, Billinger, Bowers, Doll, Estes, Givens, Goddard, Hawk, Longbine, Masterson, Olson, Petersen, Pyle, Rucker, Skubal, Suellentrop, Taylor, Wilborn
Extending the eligible time period for rural opportunity zones loan repayment program and income tax credit.
 02/07/2019 Senate—Introduced—SJ 71
 02/08/2019 Senate—Referred to Committee on Assessment and Taxation—SJ 79
 02/13/2019 Senate—Hearing: Tuesday, February 19, 2019, 9:30 AM Room 548-S
 02/25/2019 Senate—Committee Report recommending bill be passed by Committee on Assessment and Taxation—SJ 124
 03/19/2019 Senate—Committee of the Whole - Be passed—SJ 217
 03/20/2019 Senate—Final Action - Passed; Yea: 29 Nay: 11—SJ 225
 03/21/2019 House—Received and Introduced—HJ 403
 03/22/2019 House—Referred to Committee on Taxation—HJ 416
 04/02/2019 House—Hearing: Wednesday, April 3, 2019, 3:00 PM Room 582-N
- S 126** Bill by Assessment and Taxation
Exemption from income tax for certain public utilities.
 02/07/2019 Senate—Introduced—SJ 71
 02/08/2019 Senate—Referred to Committee on Utilities—SJ 79
 03/13/2019 Senate—Hearing: Wednesday, March 20, 2019, 1:30 PM Room 548-S
- S 127** Bill by Assessment and Taxation
Prohibiting certain utilities to recover income tax expenses through base rates approved by the state corporation commission.
 02/07/2019 Senate—Introduced—SJ 71
 02/08/2019 Senate—Referred to Committee on Utilities—SJ 79
- S 128** Bill by Education
Requiring at least nine safety drills to be conducted by schools each year including fire, tornado and crisis drills.
 02/08/2019 Senate—Introduced—SJ 78
 02/11/2019 Senate—Referred to Committee on Education—SJ 82
 02/19/2019 Senate—Hearing: Monday, February 11, 2019, 1:30 PM Room 144-S
 02/20/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Education—SJ 112
 02/26/2019 Senate—Committee of the Whole - Be passed as further amended—SJ 135
 02/27/2019 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 160
 02/28/2019 House—Received and Introduced—HJ 304
 03/06/2019 House—Referred to Committee on Education—HJ 307

- 03/06/2019 House—Hearing: Monday, March 11, 2019, 1:30 PM Room 218-N
 03/20/2019 House—Committee Report recommending bill be passed by Committee on Education—HJ 397
 03/25/2019 House—Committee of the Whole - Be passed—HJ 474
 03/26/2019 House—Final Action - Passed; Yea: 123 Nay: 1—HJ 498
 04/02/2019 Senate—Enrolled and presented to Governor on Tuesday, April 2, 2019—SJ 355
 05/01/2019 Senate—Approved by Governor on Wednesday, April 10, 2019—SJ 592
- S 129** Bill by Ethics, Elections and Local Government
Allow voters to vote at any polling place within a county if approved by the county election officer.
 02/08/2019 Senate—Introduced—SJ 78
 02/11/2019 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 82
 02/18/2019 Senate—Hearing: Friday, February 22, 2019, 9:30 AM Room 142-S
 02/25/2019 Senate—Committee Report recommending bill be passed by Committee on Ethics, Elections and Local Government—SJ 125
- S 130** Bill by Ethics, Elections and Local Government
Substitute for Senate Bill 130 by the Committee on Ethics, Elections and Local Government—Permitting persons voting an advance ballot to correct a signature deficiency, permitting any county to allow voting at any polling place on election day, establishing June 1 as the filing deadline for municipalities where a primary is not required, providing flexibility for when township officers take the oath of office, providing flexibility for school districts for the election of officers and establishing the schedule for meetings and allowing the question of changing the method of election or voting plan to be held at any primary or general election as well as at a special election.
 02/08/2019 Senate—Introduced—SJ 78
 02/11/2019 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 82
 02/13/2019 Senate—Hearing: Wednesday, February 20, 2019, 9:30 AM Room 142-S
 02/25/2019 Senate—Committee Report recommending substitute bill be passed by Committee on Ethics, Elections and Local Government—SJ 125
 02/27/2019 Senate—Committee of the Whole - Substitute bill be passed—SJ 161
 02/27/2019 Senate—Emergency Final Action - Passed; Yea: 40 Nay: 0—SJ 164
 02/28/2019 House—Received and Introduced—HJ 304
 03/06/2019 House—Referred to Committee on Elections—HJ 307
 03/06/2019 House—Hearing: Thursday, March 14, 2019, 3:30 PM Room 212-N
 03/21/2019 House—Committee Report recommending bill be passed as amended by Committee on Elections—HJ 412
 03/26/2019 House—Committee of the Whole - Be passed as amended—HJ 527
 03/27/2019 House—Final Action - Passed as amended; Yea: 124 Nay: 0—HJ 535
 03/27/2019 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Bowers, Senator Hardy and Senator Haley as conferees—SJ 334
 04/01/2019 House—Motion to accede adopted; Representative Sutton, Representative Carpenter, B. and Representative Parker appointed as conferees—HJ 542

- 04/03/2019 House—Substitute motion to not adopt and appoint a conference committee failed—HJ 558
- 04/03/2019 House—Conference Committee Report was adopted; Yea: 119 Nay: 3—HJ 558
- 04/04/2019 Senate—Conference Committee Report was adopted; Yea: 38 Nay: 1—SJ 365
- 04/05/2019 Senate—Enrolled and presented to Governor on Friday, April 5, 2019—SJ 589
- S 131** 05/01/2019 Senate—Approved by Governor on Monday, April 15, 2019—SJ 592
 Bill by Ethics, Elections and Local Government
When township officials take the oath of office and the deadline for filing for municipal office when no primary is held.
- 02/08/2019 Senate—Introduced—SJ 78
- 02/11/2019 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 82
- 02/13/2019 Senate—Hearing: Wednesday, February 20, 2019, 9:30 AM Room 142-S
- 02/25/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Ethics, Elections and Local Government—SJ 125
- 02/27/2019 Senate—Committee of the Whole - Be passed as further amended—SJ 161
- 02/27/2019 Senate—Emergency Final Action - Passed; Yea: 40 Nay: 0—SJ 164
- 02/28/2019 House—Received and Introduced—HJ 304
- 03/06/2019 House—Referred to Committee on Elections—HJ 307
- 03/06/2019 House—Hearing: Thursday, March 14, 2019, 3:30 PM Room 212-N
- 03/21/2019 House—Committee Report recommending bill be passed as amended by Committee on Elections—HJ 413
- 03/27/2019 House—Withdrawn from Calendar; Referred to Committee on Appropriations—HJ 537
- S 132** Bill by Ethics, Elections and Local Government
Election offenses; electioneering crime changes.
- 02/08/2019 Senate—Introduced—SJ 78
- 02/11/2019 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 82
- 02/13/2019 Senate—Hearing: Thursday, February 21, 2019, 9:30 AM Room 142-S
- S 133** Bill by Judiciary
Clarifying when a receipt of property seized by law enforcement should be sent to the court and who seized weapons should be returned to.
- 02/08/2019 Senate—Introduced—SJ 79
- 02/11/2019 Senate—Referred to Committee on Judiciary—SJ 82
- 02/15/2019 Senate—Hearing: Thursday, February 21, 2019, 10:30 AM Room 346-S
- 02/25/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 130
- 02/27/2019 Senate—Withdrawn from Calendar; Referred to Committee on Ways and Means—SJ 166
- 02/28/2019 Senate—Withdrawn from Committee on Ways and Means and referred to Committee of the Whole—SJ 167
- S 134** Bill by Judiciary
Amending the crime of counterfeiting currency.
- 02/08/2019 Senate—Introduced—SJ 79

- 02/11/2019 Senate—Referred to Committee on Judiciary—SJ 82
 02/13/2019 Senate—Hearing: Wednesday, February 20, 2019, 10:30 AM Room 346-S
 02/25/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 130
 02/27/2019 Senate—Committee of the Whole - Be passed as amended—SJ 161
 02/27/2019 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 164
 02/28/2019 House—Received and Introduced—HJ 304
 03/06/2019 House—Referred to Committee on Judiciary—HJ 307
- S 135** 03/06/2019 House—Hearing: Monday, March 11, 2019, 3:30 PM Room 346-S
 Bill by Senators Hilderbrand, Alley, Hardy, Olson, Petersen, Pyle
Adding certain counties to the list of eligible rural opportunity zone counties.
 02/11/2019 Senate—Introduced—SJ 80
 02/12/2019 Senate—Referred to Committee on Assessment and Taxation—SJ 85
 02/13/2019 Senate—Hearing: Tuesday, February 19, 2019, 9:30 AM Room 548-S
 02/25/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 124
 03/19/2019 Senate—Committee of the Whole - Be passed as amended—SJ 217
 03/20/2019 Senate—Final Action - Passed as amended; Yea: 30 Nay: 8—SJ 226
 03/21/2019 House—Received and Introduced—HJ 403
 03/22/2019 House—Referred to Committee on Taxation—HJ 416
 04/02/2019 House—Hearing: Wednesday, April 3, 2019, 3:00 PM Room 582-N
- S 136** Bill by Transportation
Designating a bridge on United States highway 77 in Cowley county as the SGT Kevin A. Gilbertson memorial bridge.
 02/11/2019 Senate—Introduced—SJ 80
 02/12/2019 Senate—Referred to Committee on Transportation—SJ 85
 02/13/2019 Senate—Hearing: Thursday, February 21, 2019, 8:30 AM Room 546-S
 02/25/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 133
- S 137** Bill by Federal and State Affairs
Required fee for entry into a sexually oriented business.
 02/11/2019 Senate—Introduced—SJ 80
- S 138** 02/12/2019 Senate—Referred to Committee on Federal and State Affairs—SJ 85
 Bill by Transportation
Designating a portion of United States highway 77 as the Capt. Donald Root Strother memorial highway.
 02/11/2019 Senate—Introduced—SJ 80
 02/12/2019 Senate—Referred to Committee on Transportation—SJ 85
 02/13/2019 Senate—Hearing: Thursday, February 21, 2019, 8:30 AM Room 546-S
 02/25/2019 Senate—Committee Report recommending bill be passed by Committee on Transportation—SJ 133
 04/03/2019 Senate—Withdrawn from Calendar, Rereferred to Committee on Transportation—SJ 358
- S 139** Bill by Transportation
Changing certain registration and title fees on vehicles and disposition of funds.
 02/11/2019 Senate—Introduced—SJ 81
 02/12/2019 Senate—Referred to Committee on Transportation—SJ 85

- S 140** Bill by Senators Hardy, Bowers, Wilborn
Establishing income tax and privilege tax credits for contributions to the Eisenhower foundation.
 02/11/2019 Senate—Introduced—SJ 81
 02/12/2019 Senate—Referred to Committee on Assessment and Taxation—SJ 85
 02/13/2019 Senate—Hearing: Tuesday, February 19, 2019, 9:30 AM Room 548-S
 02/25/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 124
- S 141** Bill by Senators Holland, Faust-Goudeau, Francisco, Hawk, Hensley, Miller, Pettey, Ware
Increasing the minimum wage.
 02/11/2019 Senate—Introduced—SJ 81
 02/12/2019 Senate—Referred to Committee on Commerce—SJ 85
- S 142** Bill by Senate Select Federal Tax Code Implementation
Appropriations for the department of education for FY 2020 and FY 2021 in response to litigation; increasing BASE aid for certain school years.
 02/11/2019 Senate—Introduced—SJ 81
 02/12/2019 Senate—Referred to Senate Select Committee on Education Finance—SJ 85
 02/27/2019 Senate—Hearing: Wednesday, March 6, 2019, 1:30 PM Room 144-S
 03/06/2019 Senate—Committee Report recommending bill be passed by Senate Select Committee on Education Finance—SJ 171
 03/14/2019 Senate—Committee of the Whole - Be passed—SJ 197
 03/14/2019 Senate—Emergency Final Action - Passed; Yea: 32 Nay: 8—SJ 198
 03/15/2019 House—Received and Introduced—HJ 351
 03/18/2019 House—Referred to Committee on K-12 Education Budget—HJ 359
 03/18/2019 House—Hearing: Tuesday, March 19, 2019, 3:30 PM Room 546-S
- S 143** Bill by Senator Faust-Goudeau
Allowing certain individuals to be eligible for restricted driving privileges.
 02/11/2019 Senate—Introduced—SJ 81
 02/12/2019 Senate—Referred to Committee on Transportation—SJ 85
 02/20/2019 Senate—Hearing: Friday, February 22, 2019, 8:30 AM Room 546-S
- S 144** Bill by Public Health and Welfare
Allowing the use of expedited partner therapy to treat a sexually transmitted disease.
 02/11/2019 Senate—Introduced—SJ 81
 02/12/2019 Senate—Referred to Committee on Public Health and Welfare—SJ 85
 02/13/2019 Senate—Hearing: Tuesday, February 19, 2019, 9:30 AM Room 118-N
- S 145** Bill by Utilities
Allowing the state corporation commission to regulate the rates of boards of public utilities after a customer petition.
 02/11/2019 Senate—Introduced—SJ 81
 02/12/2019 Senate—Referred to Committee on Utilities—SJ 85
 02/15/2019 Senate—Hearing: Monday, February 18, 2019, 1:30 PM Room 548-S
- S 146** Bill by Senators Holland, Bollier, Faust-Goudeau, Francisco, Hawk, Hensley, Miller, Ware
Allowing injured workers who receive social security to keep the full amount of their workers compensation benefits.
 02/11/2019 Senate—Introduced—SJ 81
 02/12/2019 Senate—Referred to Committee on Commerce—SJ 85

- S 147** Bill by Senate Select Federal Tax Code Implementation
Appropriations for the department of education for FY 2019, 2020 and 2021; continuing 20 mill statewide levy for schools and exempting certain portion used for residential purposes from such levy.
 02/11/2019 Senate—Introduced—SJ 81
 02/12/2019 Senate—Referred to Committee on Ways and Means—SJ 85
- S 148** Bill by Education
Amending requirements for school district board requests for proposals for construction or repair projects.
 02/11/2019 Senate—Introduced—SJ 81
 02/12/2019 Senate—Referred to Committee on Education—SJ 85
 02/13/2019 Senate—Hearing: Tuesday, February 19, 2019, 1:30 PM Room 144-S
- S 149** Bill by Senator Miller
Facilitating voter registration by providing certificates of birth for applicants to evidence citizenship upon their consent.
 02/12/2019 Senate—Introduced—SJ 84
 02/13/2019 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 89
- S 150** Bill by Senators Sykes, Alley, Baumgardner, Berger, Bollier, Doll, Faust-Goudeau, Francisco, Givens, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, McGinn, Miller, Olson, Pettey, Skubal, Taylor, Wagle, Ware, Wilborn
Enacting housing protections for victims of domestic violence, sexual assault, human trafficking or stalking.
 02/12/2019 Senate—Introduced—SJ 84
 02/13/2019 Senate—Referred to Committee on Judiciary—SJ 89
 02/21/2019 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Ways and Means—SJ 117
 02/22/2019 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Judiciary—SJ 121
 02/27/2019 Senate—Hearing: Wednesday, March 6, 2019, 10:30 AM Room 346-S
 03/12/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 185
 03/14/2019 Senate—Committee of the Whole - Be passed as amended—SJ 198
 03/14/2019 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 199
 03/15/2019 House—Received and Introduced—HJ 351
 03/15/2019 House—Hearing: Tuesday, March 19, 2019, 3:30 PM Room 346-S
 03/18/2019 House—Referred to Committee on Judiciary—HJ 359
- S 151** Bill by Federal and State Affairs
Increasing extent of property tax exemption from the statewide school levy for residential property to \$40,000 of its appraised valuation.
 02/12/2019 Senate—Introduced—SJ 85
 02/13/2019 Senate—Referred to Committee on Assessment and Taxation—SJ 89
 03/06/2019 Senate—Hearing: Tuesday, March 12, 2019, 9:30 AM Room 548-S
- S 152** Bill by Agriculture and Natural Resources
Authorizing the secretary of health and environment to collect underground injection control program fees and redirecting water well license program fees.
 02/12/2019 Senate—Introduced—SJ 85

- 02/13/2019 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 89
- 02/13/2019 Senate—Hearing: Tuesday, February 19, 2019, 8:30 AM Room 159-S
- 02/25/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Agriculture and Natural Resources—SJ 124
- 03/25/2019 Senate—Withdrawn from Calendar, Rereferred to Committee on Agriculture and Natural Resources—SJ 283
- S 153** Bill by Agriculture and Natural Resources
Providing for department of health and environment response operations for water and soil pollutant release, discharge or escape.
- 02/12/2019 Senate—Introduced—SJ 85
- 02/13/2019 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 89
- 02/13/2019 Senate—Hearing: Tuesday, February 19, 2019, 8:30 AM Room 159-S
- S 154** Bill by Senator Haley
Creating a vacatur process for human trafficking victims to petition a court to set aside certain conviction or diversion agreements and related arrest records.
- 02/12/2019 Senate—Introduced—SJ 85
- 02/13/2019 Senate—Referred to Committee on Judiciary—SJ 89
- S 155** Bill by Ways and Means
Cemetery district territory deannexed from the territory of Valley Center.
- 02/12/2019 Senate—Introduced—SJ 85
- 02/13/2019 Senate—Referred to Committee on Ways and Means—SJ 89
- 02/27/2019 Senate—Hearing: Wednesday, March 6, 2019, 10:30 AM Room 548-S
- 03/06/2019 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Ways and Means—SJ 171
- 03/13/2019 Senate—Consent Calendar Passed Yea: 38 Nay: 0—SJ 188
- 03/14/2019 House—Received and Introduced—HJ 345
- 03/15/2019 House—Referred to Committee on Taxation—HJ 351
- 04/05/2019 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Taxation—HJ 711
- 05/03/2019 House—Withdrawn from Consent Calendar and placed on General Orders—HJ 869
- S 156** Bill by Education
Appropriations for the department of education for FY 2020; increasing the at-risk weighting; continuing the 20 mill statewide property tax levy for schools and exempting certain portion of property used for residential purposes from such levy.
- 02/12/2019 Senate—Introduced—SJ 85
- 02/13/2019 Senate—Referred to Committee on Education—SJ 89
- 02/25/2019 Senate—Withdrawn from Committee on Education; Referred to Senate Select Committee on Education Finance—SJ 124
- S 157** Bill by Senators Hilderbrand, Alley, Berger, Doll, Faust-Goudeau, Francisco, Goddard, Haley, Holland, Longbine, Olson, Petersen, Skubal, Suellentrop, Taylor, Wagle, Wilborn
Creating presumptions related to temporary joint legal custody and shared parenting time under the Kansas family law code.
- 02/13/2019 Senate—Introduced—SJ 87
- 02/14/2019 Senate—Referred to Committee on Judiciary—SJ 93

- 02/25/2019 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Ways and Means—SJ 124
- 02/26/2019 Senate—Withdrawn from Committee on Ways and Means; Referred to Committee on Judiciary—SJ 153
- 02/27/2019 Senate—Hearing: Thursday, March 7, 2019, 10:30 AM Room 346-S
- 03/26/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 293
- S 158** Bill by Senator Miller
Designating the state dance as the polka.
 02/13/2019 Senate—Introduced—SJ 87
 02/14/2019 Senate—Referred to Committee on Federal and State Affairs—SJ 92
- S 159** Bill by Senator Faust-Goudeau
Automating voter registration through DMV license applications.
 02/13/2019 Senate—Introduced—SJ 87
 02/14/2019 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 92
- S 160** Bill by Judiciary
Requiring law enforcement officers investigating alleged domestic violence to give certain notices and conduct a lethality assessment.
 02/13/2019 Senate—Introduced—SJ 87
 02/14/2019 Senate—Referred to Committee on Judiciary—SJ 93
- S 161** Bill by Judiciary
Defining "primary aggressor" for domestic violence purposes.
 02/13/2019 Senate—Introduced—SJ 88
 02/14/2019 Senate—Referred to Committee on Judiciary—SJ 93
- S 162** Bill by Public Health and Welfare
Requiring notification to the governor and legislature of missing foster care youth.
 02/13/2019 Senate—Introduced—SJ 88
 02/14/2019 Senate—Referred to Committee on Public Health and Welfare—SJ 93
 02/20/2019 Senate—Hearing: Thursday, February 21, 2019, 9:30 AM Room 118-N
 02/25/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 130
 02/27/2019 Senate—Committee of the Whole - Be passed as further amended—SJ 161
 02/27/2019 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0 —SJ 164
 02/28/2019 House—Received and Introduced—HJ 304
 03/06/2019 House—Referred to Committee on Children and Seniors—HJ 307
 03/13/2019 House—Hearing: Monday, March 18, 2019, 1:30 PM Room 346-S
 03/15/2019 House—Hearing: Monday, March 18, 2019, 1:30 PM Room 346-S
- S 163** Bill by Public Health and Welfare
Requiring health insurance coverage for contraceptives.
 02/13/2019 Senate—Introduced—SJ 88
 02/14/2019 Senate—Referred to Committee on Financial Institutions and Insurance —SJ 93
- S 164** Bill by Federal and State Affairs
Making licenses issued by the division of alcoholic beverage control effective on the date stated on the license.
 02/13/2019 Senate—Introduced—SJ 88

- 02/14/2019 Senate—Referred to Committee on Federal and State Affairs—SJ 92
 02/18/2019 Senate—Hearing: Tuesday, February 19, 2019, 10:30 AM Room 144-S
 03/14/2019 Senate—Committee Report recommending bill be passed and placed on
 Consent Calendar by Committee on Federal and State Affairs—SJ 200
 03/21/2019 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 237
 03/22/2019 House—Received and Introduced—HJ 416
 03/25/2019 House—Referred to Committee on Federal and State Affairs—HJ 429
- S 165** Bill by Federal and State Affairs
Changing terminology relating to the practice of podiatry.
 02/13/2019 Senate—Introduced—SJ 88
 02/14/2019 Senate—Referred to Committee on Public Health and Welfare—SJ 93
- S 166** Bill by Judiciary
Deeming children as foster children under the grandparents as caregivers act.
 02/13/2019 Senate—Introduced—SJ 88
 02/14/2019 Senate—Referred to Committee on Judiciary—SJ 93
 02/18/2019 Senate—Hearing: Thursday, February 21, 2019, 10:30 AM Room 346-S
- S 167** Bill by Senators Baumgardner, Alley, Berger, Billinger, Braun, Estes, Goddard,
 Hilderbrand, Kerschen, Longbine, Lynn, Masterson, Olson, Petersen,
 Pilcher-Cook, Pyle, Rucker, Suellentrop, Tyson, Wagle, Wilborn
**Requiring notification to patients that the effects of a medication abortion may
 be reversible.**
 02/13/2019 Senate—Introduced—SJ 88
 02/14/2019 Senate—Referred to Committee on Public Health and Welfare—SJ 93
 02/27/2019 Senate—Withdrawn from Committee on Public Health and Welfare;
 Referred to Committee on Ways and Means—SJ 166
 02/28/2019 Senate—Withdrawn from Committee on Ways and Means; Rereferred
 to Committee on Public Health and Welfare—SJ 167
- S 168** Bill by Commerce
**Enacting the Kansas home inspectors professional competence and financial
 responsibility act.**
 02/13/2019 Senate—Introduced—SJ 88
 02/14/2019 Senate—Hearing: Tuesday, February 19, 2019, 8:30 AM Room 548-S
 02/14/2019 Senate—Referred to Committee on Commerce—SJ 92
 02/19/2019 Senate—Hearing continuation: Wednesday, February 20, 2019, 8:30
 AM Room 548-S
 02/25/2019 Senate—Withdrawn from Committee on Commerce; Referred to
 Committee on Ways and Means—SJ 124
 02/26/2019 Senate—Withdrawn from Committee on Ways and Means; Referred to
 Committee on Commerce—SJ 153
- S 169** Bill by Utilities
**Requiring deposit in the water program management fee fund of certain
 moneys received by the Kansas department of health and
 environment.**
 02/13/2019 Senate—Introduced—SJ 88
 02/14/2019 Senate—Referred to Committee on Utilities—SJ 93
 02/20/2019 Senate—Hearing: Thursday, February 21, 2019, 1:30 PM Room 548-S
- S 170** Bill by Utilities
**Requiring the fees and civil penalties collected by the Kansas department of
 health and environment under the asbestos control program to be
 deposited in the air quality fee fund.**

- 02/13/2019 Senate—Introduced—SJ 88
 02/14/2019 Senate—Referred to Committee on Utilities—SJ 93
 02/20/2019 Senate—Hearing: Thursday, February 21, 2019, 1:30 PM Room 548-S
- S 171** Bill by Utilities
Requirements for Kansas public water supply loans and lead level limitations for installation or repair to public water supply systems.
 02/13/2019 Senate—Introduced—SJ 88
 02/14/2019 Senate—Referred to Committee on Utilities—SJ 93
 02/20/2019 Senate—Hearing: Thursday, February 21, 2019, 1:30 PM Room 548-S
- S 172** Bill by Ways and Means
Increasing the limit of healthcare expenses allowed as a workers compensation benefit for injured employees prior to formal authorization of a claim.
 02/13/2019 Senate—Introduced—SJ 88
 02/14/2019 Senate—Referred to Committee on Commerce—SJ 92
- S 173** Bill by Ways and Means
Authorizing the board of regents on behalf of the university of Kansas to sell certain real property in Douglas county.
 02/13/2019 Senate—Introduced—SJ 89
 02/14/2019 Senate—Referred to Committee on Ways and Means—SJ 93
 02/19/2019 Senate—Hearing: Thursday, February 21, 2019, 10:30 AM Room 548-S
 02/25/2019 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Ways and Means—SJ 133
 03/13/2019 Senate—Consent Calendar Passed Year: 38 Nay: 0—SJ 188
 03/14/2019 House—Received and Introduced—HJ 345
 03/15/2019 House—Referred to Committee on Appropriations—HJ 351
- S 174** Bill by Federal and State Affairs
Exempting all social security benefits from Kansas income tax.
 02/13/2019 Senate—Introduced—SJ 89
 02/14/2019 Senate—Referred to Committee on Assessment and Taxation—SJ 92
 03/06/2019 Senate—Hearing: Tuesday, March 12, 2019, 9:30 AM Room 548-S
- S 175** Bill by Assessment and Taxation
Enacting the public employee right to choose act, providing public employees with the right of relief from the obligation to pay union dues through withholding of their wages.
 02/13/2019 Senate—Introduced—SJ 89
 02/14/2019 Senate—Referred to Committee on Commerce—SJ 92
 03/12/2019 Senate—Hearing: Monday, March 18, 2019, 8:30 AM Room 548-S
- S 176** Bill by Assessment and Taxation
Requiring the department of commerce to create a database of economic development incentive program information.
 02/13/2019 Senate—Introduced—SJ 89
 02/14/2019 Senate—Referred to Committee on Commerce—SJ 92
- S 177** Bill by Assessment and Taxation
Providing the court of appeals jurisdiction to review final orders of the state board of tax appeals.
 02/13/2019 Senate—Introduced—SJ 89
 02/14/2019 Senate—Referred to Committee on Assessment and Taxation—SJ 92

- S 178** Bill by Assessment and Taxation
Providing a sales tax exemption for nonprofit integrated community care organizations, and requiring the repeal or suspension of existing sales tax exemption when implementing any new exemption.
 02/13/2019 Senate—Introduced—SJ 89
 02/14/2019 Senate—Referred to Committee on Assessment and Taxation—SJ 92
 02/21/2019 Senate—Hearing: Monday, February 25, 2019, 9:30 AM Room 548-S
 02/25/2019 Senate—Committee Report recommending bill be passed by Committee on Assessment and Taxation—SJ 124
 03/20/2019 Senate—Committee of the Whole - Be passed as amended—SJ 227
 03/21/2019 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 238
 03/22/2019 House—Received and Introduced—HJ 416
 03/25/2019 House—Referred to Committee on Taxation—HJ 429
 04/02/2019 House—Hearing: Wednesday, April 3, 2019, 3:00 PM Room 582-N
- S 179** Bill by Assessment and Taxation
Increasing the married tax filer income threshold for the subtraction modification for social security income.
 02/13/2019 Senate—Introduced—SJ 89
 02/14/2019 Senate—Referred to Committee on Assessment and Taxation—SJ 92
 02/21/2019 Senate—Hearing: Monday, February 25, 2019, 9:30 AM Room 548-S
- S 180** Bill by Senators Hensley, Bollier, Faust-Goudeau, Haley, Hawk, Holland, Miller, Pettey, Sykes, Ware
Enacting the Kansas buy American act.
 02/13/2019 Senate—Introduced—SJ 89
 02/14/2019 Senate—Referred to Committee on Commerce—SJ 92
- S 181** Bill by Federal and State Affairs
Creating the Kansas energy policy task force to study electric utility services and energy policy issues in Kansas.
 02/14/2019 Senate—Introduced—SJ 91
 02/15/2019 Senate—Referred to Committee on Utilities—SJ 99
 02/19/2019 Senate—Hearing: Thursday, February 21, 2019, 1:30 PM Room 548-S
- S 182** Bill by Agriculture and Natural Resources
Providing for water measuring device inspections and limiting the liability of water right owners regarding water measuring devices and the use of water measuring device technicians.
 02/14/2019 Senate—Introduced—SJ 91
 02/15/2019 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 99
 02/19/2019 Senate—Hearing: Thursday, February 21, 2019, 8:30 AM Room 159-S
- S 183** Bill by Judiciary
Creating the extreme risk protective order act.
 02/14/2019 Senate—Introduced—SJ 92
 02/15/2019 Senate—Referred to Committee on Federal and State Affairs—SJ 99
- S 184** Bill by Assessment and Taxation
Sunsetting the food sales tax credit and enacting the food sales tax refund.
 02/14/2019 Senate—Introduced—SJ 92
 02/15/2019 Senate—Referred to Committee on Assessment and Taxation—SJ 99
 02/27/2019 Senate—Hearing: Thursday, March 7, 2019, 9:30 AM Room 548-S

- S 185** Bill by Assessment and Taxation
Increasing and allowing Kansas itemized deductions, allowing individual expensing deduction, providing for certain income tax credits, allowing rural opportunity zone for certain counties, extending certain counties countywide retailers' sales tax, providing for sales tax definitions and exemptions for certain sales.
 02/14/2019 Senate—Introduced—SJ 92
 02/15/2019 Senate—Referred to Senate Select Committee on Federal Tax Code Implementation—SJ 99
- S 186** Bill by Ways and Means
Creating the transportation planning program.
 02/14/2019 Senate—Introduced—SJ 92
 02/15/2019 Senate—Referred to Committee on Ways and Means—SJ 99
 03/07/2019 Senate—Hearing continuation: Thursday, March 14, 2019, 10:30 AM Room 548-S
 03/07/2019 Senate—Hearing: Wednesday, March 13, 2019, 10:30 AM Room 548-S
- S 187** Bill by Ways and Means
Providing for an increase in permit fees for oversize or overweight vehicles.
 02/14/2019 Senate—Introduced—SJ 92
 02/15/2019 Senate—Referred to Committee on Transportation—SJ 99
 03/12/2019 Senate—Hearing: Friday, March 15, 2019, 8:30 AM Room 546-S
- S 188** Bill by Ways and Means
Providing for an increase in motor fuel taxes and trip permits.
 02/14/2019 Senate—Introduced—SJ 92
 02/15/2019 Senate—Referred to Committee on Assessment and Taxation—SJ 99
- S 189** Bill by Ways and Means
Providing for an increase in registration fees for electric and hybrid vehicles.
 02/14/2019 Senate—Introduced—SJ 92
 02/15/2019 Senate—Referred to Committee on Transportation—SJ 99
 03/06/2019 Senate—Hearing: Tuesday, March 12, 2019, 8:30 AM Room 546-S
 03/12/2019 Senate—Hearing continuation: Friday, March 15, 2019, 8:30 AM Room 546-S
- S 190** Bill by Ways and Means
Authorizing transfers from the state general fund to the local ad valorem tax reduction fund and county and city revenue sharing fund if the county has a plan for expansion or modernization of a road or bridge improvement and the plan is approved by the secretary of transportation.
 02/14/2019 Senate—Introduced—SJ 92
 02/15/2019 Senate—Referred to Committee on Ways and Means—SJ 99
 03/18/2019 Senate—Hearing: Wednesday, March 20, 2019, 10:30 AM Room 548-S
 04/04/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Ways and Means—SJ 506
- S 191** Bill by Ways and Means
Tax lid exception for transportation construction projects.
 02/14/2019 Senate—Introduced—SJ 92
 02/15/2019 Senate—Referred to Committee on Assessment and Taxation—SJ 99
 03/18/2019 Senate—Hearing: Wednesday, March 20, 2019, 9:30 AM Room 548-S

- S 192** Bill by Ways and Means
Authorizing the secretary of transportation to designate toll projects on new and existing highways and changing the requirement to fully fund toll projects solely through toll revenue.
 02/14/2019 Senate—Introduced—SJ 92
 02/15/2019 Senate—Referred to Committee on Transportation—SJ 99
 02/27/2019 Senate—Hearing: Thursday, March 7, 2019, 8:30 AM Room 546-S
- S 193** Bill by Public Health and Welfare
Making amendments to behavioral sciences regulatory board licensing for certain professions.
 02/15/2019 Senate—Introduced—SJ 98
 02/18/2019 Senate—Hearing: Thursday, February 21, 2019, 9:30 AM Room 118-N
 02/18/2019 Senate—Referred to Committee on Public Health and Welfare—SJ 101
 02/25/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 131
 02/27/2019 Senate—Committee of the Whole - Be passed as amended—SJ 161
 02/27/2019 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 165
 02/28/2019 House—Received and Introduced—HJ 304
 03/06/2019 House—Referred to Committee on Health and Human Services—HJ 307
 03/11/2019 House—Hearing: Wednesday, March 13, 2019, 1:30 PM Room 546-S
 03/14/2019 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Health and Human Services—HJ 345
 03/19/2019 House—Withdrawn from Consent Calendar and placed on General Orders—HJ 366
 03/27/2019 House—Stricken from Calendar by Rule 1507—HJ 538
- S 194** Bill by Public Health and Welfare
Amending provisions related to the revised uniform anatomical gift act.
 02/15/2019 Senate—Introduced—SJ 98
 02/18/2019 Senate—Referred to Committee on Public Health and Welfare—SJ 101
 02/21/2019 Senate—Withdrawn from Committee on Public Health and Welfare; Referred to Committee on Ways and Means—SJ 117
 02/22/2019 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Public Health and Welfare—SJ 121
 03/06/2019 Senate—Hearing: Tuesday, March 12, 2019, 9:30 AM Room 118-N
 03/21/2019 Senate—Committee Report recommending bill be passed by Committee on Public Health and Welfare—SJ 274
- S 195** Bill by Public Health and Welfare
Enacting the Kansas safe access act.
 02/15/2019 Senate—Introduced—SJ 98
 02/18/2019 Senate—Referred to Committee on Public Health and Welfare—SJ 101
- S 196** Bill by Assessment and Taxation
Expanding the expense deduction to all taxpayers in addition to corporate taxpayers.
 02/15/2019 Senate—Introduced—SJ 98
 02/18/2019 Senate—Referred to Committee on Assessment and Taxation—SJ 101
- S 197** Bill by Assessment and Taxation
Reducing the sales tax rate on food and food ingredients.
 02/15/2019 Senate—Introduced—SJ 98

- 02/18/2019 Senate—Referred to Committee on Assessment and Taxation—SJ 101
 02/27/2019 Senate—Hearing: Thursday, March 7, 2019, 9:30 AM Room 548-S
- S 198** Bill by Utilities
Authorizing the state corporation commission to issue securitized ratepayer-backed bonds for electric generation facilities.
 02/15/2019 Senate—Introduced—SJ 99
 02/18/2019 Senate—Referred to Committee on Utilities—SJ 101
- S 199** Bill by Education
Creating the AO-K to work program that allows certain adults to earn high school equivalency credentials by participating in career pathway oriented postsecondary classes.
 02/15/2019 Senate—Introduced—SJ 99
 02/18/2019 Senate—Hearing: Wednesday, February 20, 2019, 1:30 PM Room 144-S
 02/18/2019 Senate—Referred to Committee on Education—SJ 101
 02/25/2019 Senate—Committee Report recommending bill be passed by Committee on Education—SJ 125
 02/27/2019 Senate—Committee of the Whole - Be passed—SJ 161
 02/27/2019 Senate—Emergency Final Action - Passed; Yea: 40 Nay: 0—SJ 165
 02/28/2019 House—Received and Introduced—HJ 304
 03/06/2019 House—Referred to Committee on Education—HJ 307
 03/13/2019 House—Hearing: Wednesday, March 20, 2019, 1:30 PM Room 218-N
 03/20/2019 House—Committee Report recommending bill be passed by Committee on Education—HJ 397
 03/25/2019 House—Committee of the Whole - Be passed—HJ 465
 03/26/2019 House—Final Action - Passed; Yea: 124 Nay: 0—HJ 499
 04/02/2019 Senate—Enrolled and presented to Governor on Tuesday, April 2, 2019—SJ 355
- S 200** 05/01/2019 Senate—Approved by Governor on Wednesday, April 10, 2019—SJ 592
 Bill by Federal and State Affairs
Increasing retirement benefit cap and decreasing employee contribution rate for members of the Kansas Police and Firemen's Retirement System in certain circumstances.
 02/18/2019 Senate—Introduced—SJ 100
 02/19/2019 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 105
- S 201** 02/28/2019 Senate—Hearing: Thursday, March 7, 2019, 9:30 AM Room 546-S
 Bill by Assessment and Taxation
Creating a property tax exemption for land associated with a dam or reservoir and subject to a mitigation easement.
 02/18/2019 Senate—Introduced—SJ 100
 02/19/2019 Senate—Referred to Committee on Assessment and Taxation—SJ 105
 02/27/2019 Senate—Hearing: Thursday, March 7, 2019, 9:30 AM Room 548-S
- S 202** Bill by Ways and Means
Eliminating the six-month retirement benefit suspension for violating KPERs working after retirement provisions.
 02/18/2019 Senate—Introduced—SJ 100
 02/19/2019 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 105
 03/06/2019 Senate—Hearing: Tuesday, March 12, 2019, 9:30 AM Room 546-S

- S 203** Bill by Ways and Means
Providing requirement that only legislators may request bills for introduction to be sponsored by legislative standing committees and certain requirements for printed bills and committee minutes.
 02/18/2019 Senate—Introduced—SJ 101
 02/19/2019 Senate—Referred to Committee on Federal and State Affairs—SJ 105
- S 204** Bill by Senate Select Federal Tax Code Implementation
Establishing the legislative post audit economic development incentive review subcommittee.
 02/19/2019 Senate—Introduced—SJ 104
 02/20/2019 Senate—Referred to Committee on Commerce—SJ 108
- S 205** Bill by Federal and State Affairs
Clarifying the duties of the administrator of the Kansas charitable gaming act.
 02/19/2019 Senate—Introduced—SJ 104
 02/20/2019 Senate—Referred to Committee on Federal and State Affairs—SJ 108
 02/27/2019 Senate—Hearing: Thursday, March 7, 2019, 10:30 AM Room 144-S
 03/14/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 200
- S 206** Bill by Federal and State Affairs
Authorizing the state fire marshal to investigate fire deaths.
 02/19/2019 Senate—Introduced—SJ 105
 02/20/2019 Senate—Referred to Committee on Federal and State Affairs—SJ 108
 02/27/2019 Senate—Hearing: Thursday, March 7, 2019, 10:30 AM Room 144-S
 03/21/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 273
 04/03/2019 Senate—Withdrawn from Calendar, Rereferred to Committee on Federal and State Affairs—SJ 358
 04/04/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 505
- S 207** Bill by Federal and State Affairs
Exemption from alcoholic liquor enforcement tax for self-distribution of alcoholic liquor by microbreweries and microdistilleries.
 02/19/2019 Senate—Introduced—SJ 105
 02/20/2019 Senate—Referred to Committee on Federal and State Affairs—SJ 108
- S 208** Bill by Ways and Means
Increasing reimbursement rates for home and community-based services.
 02/20/2019 Senate—Introduced—SJ 107
 02/21/2019 Senate—Referred to Committee on Ways and Means—SJ 117
- S 209** Bill by Ways and Means
Empowering the KPERS board to develop policies and procedures relating to procurement, enter into certain contracts and allow travel for trustees and employees of the system.
 02/20/2019 Senate—Introduced—SJ 107
 02/21/2019 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 117
- S 210** Bill by Ways and Means
Providing KPERS membership to certain direct support positions in community developmental disability organizations upon completion of a two-year training period.
 02/20/2019 Senate—Introduced—SJ 108

- 02/21/2019 Senate—Referred to Committee on Ways and Means—SJ 117
 02/27/2019 Senate—Hearing: Thursday, March 7, 2019, 10:30 AM Room 548-S
 03/18/2019 Senate—Committee Report recommending bill be passed by Committee on Ways and Means—SJ 215
 03/25/2019 Senate—Committee of the Whole - Be passed—SJ 281
 03/26/2019 Senate—Final Action - Passed; Yea: 39 Nay: 0—SJ 286
 03/26/2019 House—Received and Introduced—HJ 526
 03/27/2019 House—Referred to Committee on Appropriations—HJ 529
- S 211** Bill by Federal and State Affairs
Requiring the attorney general to appoint a Kansas youth suicide prevention coordinator.
 02/22/2019 Senate—Introduced—SJ 120
 02/25/2019 Senate—Referred to Committee on Judiciary—SJ 123
 03/12/2019 Senate—Withdrawn from Committee on Judiciary; Referred to Committee on Education—SJ 186
- S 212** 03/13/2019 Senate—Hearing: Monday, March 18, 2019, 1:30 PM Room 144-S
 Bill by Federal and State Affairs
Creating a Kansas victim information and notification everyday (VINE) coordinator within the office of the attorney general.
 02/22/2019 Senate—Introduced—SJ 120
 02/25/2019 Senate—Referred to Committee on Judiciary—SJ 123
 03/11/2019 Senate—Hearing: Monday, March 18, 2019, 10:30 AM Room 346-S
- S 213** Bill by Federal and State Affairs
Clarifying the attorney general's legal representation duties related to the Kansas open meetings and records acts.
 02/22/2019 Senate—Introduced—SJ 120
 02/25/2019 Senate—Referred to Committee on Judiciary—SJ 123
 03/11/2019 Senate—Hearing: Tuesday, March 19, 2019, 10:30 AM Room 346-S
 03/19/2019 Senate—Hearing: Wednesday, March 20, 2019, 10:30 AM Room 346-S
- S 214** Bill by Federal and State Affairs
Allowing certain exceptions to the confidentiality of state child death review board documents.
 02/22/2019 Senate—Introduced—SJ 120
 02/25/2019 Senate—Referred to Committee on Judiciary—SJ 123
 03/11/2019 Senate—Hearing: Tuesday, March 19, 2019, 10:30 AM Room 346-S
- S 215** Bill by Federal and State Affairs
Increasing penalties for domestic battery and amending child endangerment to include domestic battery in the presence of a child.
 02/22/2019 Senate—Introduced—SJ 121
 02/25/2019 Senate—Referred to Committee on Judiciary—SJ 123
- S 216** Bill by Federal and State Affairs
Allowing investment of state moneys in securities issued by Israel.
 02/25/2019 Senate—Introduced—SJ 123
 02/26/2019 Senate—Referred to Committee on Ways and Means
- S 217** Bill by Ways and Means
Requiring the state employee healthcare benefits program to accept participation as a provider by any willing pharmacist.
 02/25/2019 Senate—Introduced—SJ 123
 02/26/2019 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 134

- S 218** Bill by Assessment and Taxation
Requiring a duly ordained minister of religion to report certain abuse and neglect of children.
 02/26/2019 Senate—Introduced—SJ 134
 02/27/2019 Senate—Referred to Committee on Federal and State Affairs—SJ 155
 03/06/2019 Senate—Hearing: Wednesday, March 13, 2019, 10:30 AM Room 144-S
 03/21/2019 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 273
 03/26/2019 Senate—Committee of the Whole - Be passed—SJ 290
 03/27/2019 Senate—Final Action - Passed; Yea: 39 Nay: 0—SJ 306
 04/01/2019 House—Received and Introduced—HJ 541
 04/02/2019 House—Referred to Committee on Federal and State Affairs—HJ 547
- S 219** Bill by Ways and Means
Substitute for SB 219 by Committee on Judiciary - Transferring responsibility for the scrap metal database to the Kansas bureau of investigation, reducing the registration fee for scrap metal dealers and changing scrap metal dealer obligations under the scrap metal theft reduction act.
 02/27/2019 Senate—Introduced—SJ 154
 02/28/2019 Senate—Referred to Committee on Judiciary—SJ 167
 03/11/2019 Senate—Hearing: Monday, March 18, 2019, 10:30 AM Room 346-S
 03/26/2019 Senate—Committee Report recommending substitute bill be passed by Committee on Judiciary—SJ 292
 03/27/2019 Senate—Committee of the Whole - Substitute bill be passed as amended—SJ 330
 03/27/2019 Senate—Emergency Final Action - Passed as amended; Yea: 35 Nay: 4—SJ 331
 04/01/2019 House—Received and Introduced—HJ 541
 04/02/2019 House—Referred to Committee on Judiciary—HJ 547
 04/05/2019 House—Hearing: Thursday, May 2, 2019, 8:00 AM Room 346-S
 04/05/2019 House—Hearing: Thursday, May 2, 2019, 8:30 AM Room 582-N
- S 220** Bill by Federal and State Affairs
Licensure of professional occupations allowing certain persons with criminal or civil records that would otherwise disqualify such persons from licensure to receive a license; add state board of education to exempt agencies.
 03/06/2019 Senate—Introduced—SJ 170
 03/07/2019 Senate—Referred to Committee on Federal and State Affairs—SJ 173
 03/13/2019 Senate—Hearing: Tuesday, March 19, 2019, 10:30 AM Room 144-S
- S 221** Bill by Federal and State Affairs
Allowing clubs and drinking establishments to sell beer and cereal malt beverage for consumption off the licensed premises.
 03/07/2019 Senate—Introduced—SJ 172
 03/08/2019 Senate—Referred to Committee on Federal and State Affairs—SJ 175
 03/13/2019 Senate—Hearing: Wednesday, March 20, 2019, 10:30 AM Room 144-S
- S 222** Bill by Federal and State Affairs
Authorizing sports wagering under the Kansas expanded lottery act.
 03/07/2019 Senate—Introduced—SJ 172
 03/08/2019 Senate—Referred to Committee on Federal and State Affairs—SJ 175

- S 223** Bill by Federal and State Affairs
Providing for the licensure of anesthesiologist assistants.
 03/12/2019 Senate—Introduced—SJ 179
 03/13/2019 Senate—Referred to Committee on Public Health and Welfare—SJ 188
 03/14/2019 Senate—Hearing: Monday, March 18, 2019, 9:30 AM Room 118-N
- S 224** Bill by Assessment and Taxation
Enacting the Kansas retail pet shop act.
 03/12/2019 Senate—Introduced—SJ 179
 03/13/2019 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 188
- S 225** Bill by Ways and Means
Amending the hospital provider assessment rate and uses and membership of the healthcare access improvement panel.
 03/13/2019 Senate—Introduced—SJ 188
 03/14/2019 Senate—Referred to Committee on Public Health and Welfare—SJ 194
 03/14/2019 Senate—Withdrawn from Committee on Public Health and Welfare; Referred to Committee on Ways and Means—SJ 201
 03/18/2019 Senate—Hearing: Wednesday, March 20, 2019, 10:30 AM Room 548-S
 05/03/2019 Senate—Withdrawn from Committee on Ways and Means; Rereferred to Committee on Public Health and Welfare—SJ 751
- S 226** Bill by Federal and State Affairs
The hours and days of sale of cereal malt beverage conform to the hours and days of sale for alcoholic liquor.
 03/13/2019 Senate—Introduced—SJ 188
 03/14/2019 Senate—Referred to Committee on Federal and State Affairs—SJ 194
- S 227** Bill by Federal and State Affairs
Adding provisions for human trafficking victims in the criminal defense of compulsion and changing provisions for expungement of adult and juvenile offenses committed by such victims.
 03/14/2019 Senate—Introduced—SJ 191
 03/15/2019 Senate—Referred to Committee on Judiciary—SJ 203
- S 228** Bill by Ways and Means
Amending license and renewal application fees for insurance third party administrators.
 03/14/2019 Senate—Introduced—SJ 192
 03/15/2019 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 203
 03/18/2019 Senate—Hearing: Thursday, March 21, 2019, 9:30 AM Room 546-S
 03/21/2019 Senate—Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance—SJ 274
 03/26/2019 Senate—Committee of the Whole - Be passed—SJ 290
 03/27/2019 Senate—Final Action - Passed; Yea: 38 Nay: 1—SJ 307
 04/01/2019 House—Received and Introduced—HJ 541
 04/02/2019 House—Referred to Committee on Insurance—HJ 547
- S 229** Bill by Federal and State Affairs
Abolishing the capitol area plaza authority.
 03/14/2019 Senate—Introduced—SJ 192
 03/15/2019 Senate—Referred to Committee on Federal and State Affairs—SJ 203

- S 230** Bill by Federal and State Affairs
Clarifying the authority of the Kansas commission for the deaf and hard of hearing.
 03/14/2019 Senate—Introduced—SJ 192
 03/15/2019 Senate—Referred to Committee on Education—SJ 203
- S 231** Bill by Ways and Means
Requiring drug rebate revenues associated with medical assistance enrollees to be deposited into the state general fund and monthly reporting thereof.
 03/18/2019 Senate—Introduced—SJ 205
 03/19/2019 Senate—Referred to Committee on Public Health and Welfare—SJ 216
 03/20/2019 Senate—Hearing: Thursday, March 21, 2019, 9:30 AM Room 118-N
 03/26/2019 Senate—Committee Report recommending bill be passed by Committee on Public Health and Welfare—SJ 298
 05/29/2019 Senate—Withdrawn from Calendar, Rereferred to Committee on Public Health and Welfare—SJ 1136
- S 232** Bill by Ways and Means
Amending provisions related to adult care home licensure and receivership.
 03/18/2019 Senate—Introduced—SJ 205
 03/19/2019 Senate—Referred to Committee on Public Health and Welfare—SJ 216
 03/19/2019 Senate—Hearing: Wednesday, March 20, 2019, 9:30 AM Room 118-N
 03/21/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 274
 03/26/2019 Senate—Committee of the Whole - Be passed as further amended—SJ 290
 03/27/2019 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 307
 04/01/2019 House—Received and Introduced—HJ 541
 04/02/2019 House—Referred to Committee on Health and Human Services—HJ 547
- S 233** Bill by Ways and Means
Establishing a commercial industrial hemp program.
 03/20/2019 Senate—Introduced—SJ 222
 03/21/2019 Senate—Referred to Committee on Agriculture and Natural Resources—SJ 230
- S 234** Bill by Federal and State Affairs
Requiring electronic prescriptions for controlled substances.
 03/21/2019 Senate—Introduced—SJ 229
 03/21/2019 Senate—Referred to Committee on Public Health and Welfare—SJ 240
 03/21/2019 Senate—Hearing: Friday, March 22, 2019, 9:30 AM Room 118-N
 03/25/2019 Senate—Hearing continuation: Monday, March 25, 2019, 9:30 AM Room 118-N
 03/26/2019 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 298
- S 235** Bill by Assessment and Taxation
Continuing 20 mill statewide levy for schools and exempting certain portion of property used for residential purposes from such levy.
 03/21/2019 Senate—Introduced—SJ 229
 03/22/2019 Senate—Referred to Committee on Assessment and Taxation—SJ 276
 03/25/2019 Senate—Withdrawn from Committee on Assessment and Taxation and referred to Committee of the Whole—SJ 283

- 03/26/2019 Senate—Committee of the Whole - Be passed—SJ 290
 03/27/2019 Senate—Final Action - Passed; Yea: 39 Nay: 0—SJ 307
 04/01/2019 House—Received and Introduced—HJ 541
 04/02/2019 House—Referred to Committee on Taxation—HJ 547
- S 236** Bill by Assessment and Taxation
Establishing new rate limitations for general purposes and special purposes for the countywide retailers' sales tax.
 03/26/2019 Senate—Introduced—SJ 284
 04/03/2019 Senate—Referred to Committee on Assessment and Taxation—SJ 356
- S 237** Bill by Assessment and Taxation
Designating a portion of K-16 as the John Lee Bremer memorial highway.
 04/04/2019 Senate—Introduced—SJ 360
 04/05/2019 Senate—Referred to Committee on Transportation—SJ 508
- S 238** Bill by Assessment and Taxation
Privilege tax deduction for interest from certain business loans.
 04/04/2019 Senate—Introduced—SJ 360
 04/05/2019 Senate—Referred to Committee on Assessment and Taxation—SJ 508
 04/05/2019 Senate—Withdrawn from Committee on Assessment and Taxation;
 Referred to Committee on Financial Institutions and Insurance—SJ 555
- S 239** Bill by Assessment and Taxation
Imposing a tax on certain state credit unions for the privilege of doing business.
 04/04/2019 Senate—Introduced—SJ 360
 04/05/2019 Senate—Referred to Committee on Assessment and Taxation—SJ 508
 04/05/2019 Senate—Withdrawn from Committee on Assessment and Taxation;
 Referred to Committee on Financial Institutions and Insurance—SJ 555
- S 240** Bill by Federal and State Affairs
Amendments to the Kansas expanded lottery act relating to racetrack gaming and Wyandotte county horse racing deleting references to greyhound racing.
 04/04/2019 Senate—Introduced—SJ 360
 04/05/2019 Senate—Referred to Committee on Federal and State Affairs—SJ 508
- S 241** Bill by Ways and Means
Regarding the local ad valorem tax reduction fund, county and city revenue sharing fund and job creation program fund, no transfers from or credits to such funds without prior specific authorization by an act of the legislature or an appropriation act of the legislature.
 05/02/2019 Senate—Introduced—SJ 665
 05/03/2019 Senate—Referred to Committee on Ways and Means—SJ 751

TITLE AND HISTORY OF SENATE CONCURRENT RESOLUTIONS

- S 1601** Concurrent Resolution by Senator Hilderbrand
Constitutional amendment eliminating transfers from the state highway fund.
 01/14/2019 Senate—Prefiled for Introduction on Wednesday, December 19, 2018
 01/14/2019 Senate—Introduced—SJ 5
 01/16/2019 Senate—Referred to Committee on Ways and Means—SJ 20
- S 1602** Concurrent Resolution by Senators Wagle, Denning, Hensley
Appointment of committee to inform the Governor that the two House of the Legislature are organized and ready to receive communications.
 01/14/2019 Senate—Introduced—SJ 6
 01/14/2019 Senate—Adopted without roll call—SJ 6
 01/14/2019 House—Received and Introduced
 01/14/2019 House—Adopted without roll call—HJ 49
 01/16/2019 Senate—Enrolled and presented to Secretary of State on Wednesday, January 16, 2019—SJ 25
- S 1603** Concurrent Resolution by Senators Longbine, Wagle, Denning, Hensley
Joint rules for the Senate and House of Representatives, 2019-2020 biennium.
 01/14/2019 Senate—Introduced—SJ 7
 01/14/2019 Senate—Referred to General Orders from the Chair—SJ 13
 01/15/2019 Senate—Committee of the Whole - Be adopted—SJ 22
 01/15/2019 Senate—Emergency Final Action - Adopted; Yea: 37 Nay: 1—SJ 22
 01/16/2019 House—Received and Introduced—HJ 57
 01/17/2019 House—Referred to Committee on Rules and Journal—HJ 67
 01/23/2019 House—Committee Report recommending resolution be adopted by Committee on Rules and Journal—HJ 77
 01/24/2019 House—Committee of the Whole - Be adopted—HJ 82
 01/25/2019 House—Final Action - Adopted; Yea: 109 Nay: 6—HJ 84
 01/29/2019 Senate—Enrolled and presented to Secretary of State on Tuesday, January 29, 2019—SJ 46
- S 1604** Concurrent Resolution by Senator Kerschen
Proposition to amend section 1 of the Kansas bill of rights regarding equal rights for all human life.
 02/05/2019 Senate—Introduced—SJ 61
 02/06/2019 Senate—Referred to Committee on Federal and State Affairs—SJ 68
- S 1605** Concurrent Resolution by
Constitutional amendment; reapportionment, deleting requirement for adjustment of census data for military personnel and students.
 02/06/2019 Senate—Introduced—SJ 66
 02/07/2019 Senate—Hearing: Wednesday, February 13, 2019, 9:30 AM Room 142-S
 02/08/2019 Senate—Referred to Committee on Ethics, Elections, and Local Government—SJ 71
 02/25/2019 Senate—Committee Report recommending resolution be adopted by Committee on Ethics, Elections and Local Government
 03/13/2019 Senate—Committee of the Whole - Be adopted—SJ 190
 03/14/2019 Senate—Final Action - Adopted; Yea: 40 Nay: 0—SJ 197
 03/15/2019 House—Received and Introduced—HJ 351

- 03/18/2019 House—Referred to Committee on Elections—HJ 359
 03/19/2019 House—Hearing: Thursday, March 21, 2019, 3:30 PM Room 212-N
 03/22/2019 House—Committee Report recommending resolution be adopted by
 Committee on Elections—HJ 417
 03/26/2019 House—Committee of the Whole - Be adopted—HJ 501
 03/27/2019 House—Final Action - Adopted; Yea: 117 Nay: 7—HJ 536
 04/02/2019 Senate—Enrolled and presented to Secretary of State on Wednesday,
 April 3, 2019
- S 1606** Concurrent Resolution by Senators Masterson, Alley, Baumgardner, Berger,
 Billinger, Bowers, Braun, Denning, Estes, Givens, Goddard, Hardy,
 Hilderbrand, Kerschen, Longbine, Lynn, McGinn, Olson, Petersen,
 Pilcher-Cook, Pyle, Rucker, Suellentrop, Taylor, Tyson, Wagle, Wilborn
- Condemning the reproductive health act of New York.**
 02/11/2019 Senate—Introduced—SJ 81
 02/12/2019 Senate—Referred to Committee of the Whole—SJ 85
 02/13/2019 Senate—Committee of the Whole - Be adopted—SJ 90
 02/14/2019 Senate—Final Action - Adopted; Yea: 27 Nay: 13—SJ 94
 02/15/2019 House—Received and Introduced—HJ 183
 02/18/2019 House—Referred to Committee on Federal and State Affairs—HJ 188
 02/27/2019 House—Hearing: Thursday, March 7, 2019, 9:00 AM Room 346-S
 03/11/2019 House—Committee Report recommending resolution be adopted by
 Committee on Federal and State Affairs—HJ 328
 03/12/2019 House—Committee of the Whole - Handwritten Motion to Amend -
 Offered by Representative Benson Yea: 80 Nay: 37—HJ 333
 03/12/2019 House—Committee of the Whole - Handwritten Motion to Amend -
 Offered by Representative Ward—HJ 334
 03/12/2019 House—Committee of the Whole - Handwritten Motion to Amend -
 Offered by Representative Hodge—HJ 335
 03/12/2019 House—Committee of the Whole - Be adopted Yea: 78 Nay: 5—HJ 335
 03/13/2019 House—Final Action - Adopted; Yea: 85 Nay: 38—HJ 340
 03/14/2019 Senate—Enrolled and presented to Secretary of State on Thursday,
 March 14, 2019—SJ 201
- S 1607** Concurrent Resolution by Senators Wagle, Denning, Hensley
- First adjournment of the Senate and House of Representatives for a period of
 time during the 2019 regular session of the Legislature.**
 02/27/2019 Senate—Introduced—SJ 154
 02/27/2019 Senate—Adopted without roll call—SJ 154
 02/27/2019 House—Received and Introduced—HJ 303
 02/27/2019 House—Adopted without roll call—HJ 303
 02/28/2019 Senate—Enrolled and presented to Secretary of State on Thursday,
 February 28, 2019—SJ 167
- S 1608** Concurrent Resolution by Federal and State Affairs
- Kansas constitutional amendment; update language in the executive article.**
 03/14/2019 Senate—Introduced—SJ 192
 03/15/2019 Senate—Referred to Committee on Federal and State Affairs—SJ 203
- S 1609** Concurrent Resolution by Senator Haley
- Condemning the declaration of a "national emergency" by the president of the
 United States.**
 03/15/2019 Senate—Introduced—SJ 202
 03/18/2019 Senate—Referred to Committee on Interstate Cooperation—SJ 206

- S 1610** Concurrent Resolution by Federal and State Affairs
Constitutional amendment revising article 3, relating to the judiciary; allowing the governor to appoint supreme court justices and court of appeals judges, subject to senate confirmation; abolishing the supreme court nominating commission.
 03/27/2019 Senate—Introduced—SJ 299
 04/03/2019 Senate—Referred to Committee on Judiciary—SJ 356
 05/29/2019 Senate—Withdrawn from Committee on Judiciary and referred to Committee of the Whole Yea: 28 Nay: 10—SJ 1134
- S 1611** Concurrent Resolution by Senators Tyson, Alley, Braun, Goddard, Hilderbrand, Kerschen, Lynn, Masterson, Olson, Pilcher-Cook, Rucker, Suellentrop, Wagle
Urging the U.S. Census Bureau to conduct a complete and thorough 2020 Census by collecting data on residency and citizenship.
 04/04/2019 Senate—Introduced—SJ 360
 04/05/2019 Senate—Referred to Committee of the Whole—SJ 508
- S 1612** Concurrent Resolution by Senators Wagle, Denning, Hensley
Adjournment of 2019 Legislature until May 1, 2019.
 04/05/2019 Senate—Introduced—SJ 589
 04/05/2019 Senate—Adopted without roll call—SJ 589
 04/05/2019 House—Received and Introduced
 04/05/2019 House—Adopted without roll call—HJ 834
 05/01/2019 Senate—Enrolled and presented to Secretary of State on Tuesday, April 9, 2019—SJ 664

TITLE AND HISTORY OF SENATE RESOLUTIONS

- S 1701** Resolution by Senators Wagle, Denning, Hensley
Organization of the Senate, 2019 session.
 01/14/2019 Senate—Introduced—SJ 3
 01/14/2019 Senate—Adopted without roll call—SJ 3
 01/16/2019 Senate—Enrolled on Wednesday, January 16, 2019—SJ 25
- S 1702** Resolution by Senators Wagle, Denning, Hensley
Assignment of seats in Senate, 2019 session.
 01/14/2019 Senate—Introduced—SJ 4
 01/14/2019 Senate—Adopted without roll call—SJ 4
 01/16/2019 Senate—Enrolled on Wednesday, January 16, 2019—SJ 25
- S 1703** Resolution by Senators Baumgardner, Alley, Bollier, Braun, Estes, Givens, Lynn, Pettey, Pilcher-Cook, Pyle, Rucker, Sykes, Taylor
Congratulating and commending the members of the 2019 Kansas teacher of the year team.
 01/29/2019 Senate—Introduced—SJ 45
 01/29/2019 Senate—Adopted without roll call—SJ 45
 01/31/2019 Senate—Enrolled on Thursday, January 31, 2019—SJ 54
- S 1704** Resolution by Senator Berger
Congratulating and commending the members of Buhler High School's boys cross country team.
 01/30/2019 Senate—Introduced—SJ 48
 01/30/2019 Senate—Adopted without roll call—SJ 48
 01/31/2019 Senate—Enrolled on Thursday, January 31, 2019—SJ 54
- S 1705** Resolution by Senators Suellentrop, Baumgardner, Billinger, Braun, Denning, Francisco, Goddard, Hilderbrand, Longbine, Olson, Petersen, Pyle, Rucker, Skubal, Tyson, Wagle, Wilborn
Congratulating and commending Angela Hamilton of Sedgwick County EMS.
 01/30/2019 Senate—Introduced—SJ 49
 01/30/2019 Senate—Adopted without roll call—SJ 49
 01/31/2019 Senate—Enrolled on Thursday, January 31, 2019—SJ 54
- S 1706** Resolution by Senator McGinn
Recognizing Jack Whitson's dedicated service to Park City.
 01/30/2019 Senate—Introduced—SJ 50
 01/30/2019 Senate—Adopted without roll call—SJ 50
 01/31/2019 Senate—Enrolled on Thursday, January 31, 2019—SJ 54
- S 1707** Resolution by Senators Estes, Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn
Recognizing February 7, 2019, as JAG-K Day at the Capitol.
 02/07/2019 Senate—Introduced—SJ 71
 02/07/2019 Senate—Adopted without roll call—SJ 71
 02/11/2019 Senate—Enrolled on Monday, February 11, 2019—SJ 83

- S 1708** Resolution by Senators Kerschen, Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Denning, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Longbine, Lynn, McGinn, Miller, Olson, Petersen, Pettey, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn
Honoring the Kansas Farm Bureau.
 02/07/2019 Senate—Introduced—SJ 72
 02/07/2019 Senate—Adopted without roll call—SJ 72
 02/11/2019 Senate—Enrolled on Monday, February 11, 2019—SJ 83
- S 1709** Resolution by Senator Hensley
Congratulating and commending 2018 Milken Educator Award winner Linda Dishman.
 02/07/2019 Senate—Introduced—SJ 73
 02/07/2019 Senate—Adopted without roll call—SJ 73
 02/11/2019 Senate—Enrolled on Monday, February 11, 2019—SJ 83
- S 1710** Resolution by Senators Baumgardner, Alley, Berger, Billinger, Bollier, Braun, Denning, Francisco, Goddard, Haley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Olson, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Tyson, Ware, Wilborn
Congratulating and commending the individuals selected as award-winning educators in Kansas.
 02/11/2019 Senate—Introduced—SJ 82
 02/11/2019 Senate—Adopted without roll call—SJ 82
 02/12/2019 Senate—Enrolled on Tuesday, February 12, 2019—SJ 86
- S 1711** Resolution by Senator Holland
Designating Baldwin City as the Quilt Capital of Kansas.
 02/14/2019 Senate—Introduced—SJ 93
 02/14/2019 Senate—Adopted without roll call—SJ 93
 02/20/2019 Senate—Enrolled on Wednesday, February 20, 2019—SJ 115
- S 1712** Resolution by Senators Wilborn, Alley, Baumgardner, Berger, Billinger, Denning, Estes, Hardy, Hilderbrand, Kerschen, Longbine, Masterson, Olson, Petersen, Suellentrop
Recognizing September 1–7, 2019, as Resiliency Week in Kansas.
 02/18/2019 Senate—Introduced—SJ 101
 02/18/2019 Senate—Adopted without roll call—SJ 101
 02/20/2019 Senate—Enrolled on Wednesday, February 20, 2019—SJ 115
- S 1713** Resolution by Senators Rucker, Berger, Givens, Miller
Honoring Washburn Rural high school.
 02/18/2019 Senate—Introduced—SJ 102
 02/18/2019 Senate—Adopted without roll call—SJ 102
 02/20/2019 Senate—Enrolled on Wednesday, February 20, 2019—SJ 115
- S 1714** Resolution by Senators Wilborn, Hardy
Honoring the 150th anniversary of Lindsborg, Kansas.
 02/19/2019 Senate—Introduced—SJ 105
 02/19/2019 Senate—Adopted without roll call—SJ 105
 02/20/2019 Senate—Enrolled on Wednesday, February 20, 2019—SJ 115

- S 1715** Resolution by Senators Faust-Goudeau, Haley
Recognizing the members of Delta Sigma Theta Sorority, Inc.
 02/21/2019 Senate—Introduced—SJ 117
 02/21/2019 Senate—Adopted without roll call—SJ 117
 02/25/2019 Senate—Enrolled on Monday, February 25, 2019—SJ 133
- S 1716** Resolution by Senator Longbine
Recognizing the Kansas Athletic Trainers' Society and the profession of athletic training in Kansas.
 03/06/2019 Senate—Introduced—SJ 170
 03/06/2019 Senate—Adopted without roll call—SJ 170
 03/08/2019 Senate—Enrolled on Friday, March 8, 2019—SJ 176
- S 1717** Resolution by Senator Holland
Congratulating and commending Dr. Kent and Olga Porter for their indomitable commitment and outstanding achievement in the restoration of the historic Stonehaven Farm.
 03/07/2019 Senate—Introduced—SJ 173
 03/07/2019 Senate—Adopted without roll call—SJ 173
 03/08/2019 Senate—Enrolled on Friday, March 8, 2019—SJ 176
- S 1718** Resolution by Senators Holland, Billinger, Braun, Doll, Faust-Goudeau, Francisco, Goddard, Haley, Hawk, Hilderbrand, Kerschen, Longbine, McGinn, Miller, Petersen, Pettey, Rucker, Skubal, Sykes, Taylor, Tyson, Wagle, Ware
Recognizing the Kansas Small Business Development Center's 2019 Businesses of the Year.
 03/12/2019 Senate—Introduced—SJ 179
 03/12/2019 Senate—Adopted without roll call—SJ 179
 03/14/2019 Senate—Enrolled on Thursday, March 14, 2019—SJ 201
- S 1719** Resolution by Senators Braun, Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn
Honoring the 100th anniversary of the American Legion posts in Kansas.
 03/14/2019 Senate—Introduced—SJ 194
 03/14/2019 Senate—Adopted without roll call—SJ 194
 03/15/2019 Senate—Enrolled on Friday, March 15, 2019—SJ 203
- S 1720** Resolution by Senator Hensley
Commemorating Mildred N. McCreight's 100th birthday.
 03/14/2019 Senate—Introduced—SJ 194
 03/14/2019 Senate—Adopted without roll call—SJ 194
 03/15/2019 Senate—Enrolled on Friday, March 15, 2019—SJ 203
- S 1721** Resolution by Senator Haley
Condemning the declaration of a "national emergency" by the president of the United States.
 03/15/2019 Senate—Introduced—SJ 202
 03/18/2019 Senate—Referred to Committee on Interstate Cooperation—SJ 206
 05/29/2019 Senate—Died in Committee

- S 1722 Resolution by Senator Berger
Congratulating and commending Buhler High School's girls bowling team.
 03/20/2019 Senate—Introduced—SJ 224
 03/20/2019 Senate—Adopted without roll call—SJ 224
 03/21/2019 Senate—Enrolled on Thursday, March 21, 2019—SJ 275
- S 1723 Resolution by Senator Faust-Goudeau
Recognizing Storytime Village, Inc. for its work in giving young Kansas children the opportunity for a better future through its literacy programs.
 03/20/2019 Senate—Introduced—SJ 223
 03/20/2019 Senate—Adopted without roll call—SJ 223
 03/21/2019 Senate—Enrolled on Thursday, March 21, 2019—SJ 275
- S 1724 Resolution by Senator Longbine
Congratulating and commending the 2019 Kansas Master Teachers.
 03/21/2019 Senate—Introduced—SJ 230
 03/21/2019 Senate—Adopted without roll call—SJ 230
 03/22/2019 Senate—Enrolled on Friday, March 22, 2019—SJ 278
- S 1725 Resolution by Senator Hardy
Recognizing the contributions of Altrusa International.
 03/20/2019 Senate—Introduced—SJ 224
 03/20/2019 Senate—Adopted without roll call—SJ 224
 03/21/2019 Senate—Enrolled on Thursday, March 21, 2019—SJ 275
- S 1726 Resolution by Senators Bowers, Alley, Baumgardner, Berger, Billinger, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn
Recognizing World Down Syndrome Day in Kansas.
 03/21/2019 Senate—Introduced—SJ 231
 03/21/2019 Senate—Adopted without roll call—SJ 231
 03/22/2019 Senate—Enrolled on Friday, March 22, 2019—SJ 278
- S 1727 Resolution by Senator Berger
Recognizing the Boys & Girls Clubs across Kansas.
 03/21/2019 Senate—Introduced—SJ 232
 03/21/2019 Senate—Adopted without roll call—SJ 232
 03/22/2019 Senate—Enrolled on Friday, March 22, 2019—SJ 278
- S 1728 Resolution by Senator Estes
Recognizing Military Appreciation Day at the Kansas Capitol.
 03/21/2019 Senate—Introduced—SJ 232
 03/21/2019 Senate—Adopted without roll call—SJ 232
 03/22/2019 Senate—Enrolled on Friday, March 22, 2019—SJ 278
- S 1729 Resolution by Senator Doll
Requesting the federal government address water issues in the Arkansas river basin.
 03/21/2019 Senate—Introduced—SJ 233
 03/21/2019 Senate—Adopted without roll call—SJ 233
 03/22/2019 Senate—Enrolled on Friday, March 22, 2019—SJ 278

- S 1730** Resolution by Senator Goddard
Congratulating and commending the Coffeyville Community College women's volleyball team for winning the 2018 NJCAA Division II National Championship.
 03/21/2019 Senate—Introduced—SJ 235
 03/21/2019 Senate—Adopted without roll call—SJ 235
 03/22/2019 Senate—Enrolled on Friday, March 22, 2019—SJ 278
- S 1731** Resolution by Senators Pyle, Olson, Hilderbrand, Alley, Baumgardner, Braun, Denning, Estes, Lynn, Masterson, Petersen, Pilcher-Cook, Suellentrop, Wagle
Calling for the immediate resignation of District Court Judge Jeffry Jack of the 11th Judicial District.
 03/20/2019 Senate—Introduced—SJ 222
 03/21/2019 Senate—Referred to Committee of the Whole—SJ 275
 05/29/2019 Senate—Died on General Orders
- S 1732** Resolution by Senators Billinger, Alley, Baumgardner, Berger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Rucker, Skubal, Suellentrop, Sykes, Taylor, Wagle, Ware, Wilborn
Recognizing national service day at the capitol.
 04/01/2019 Senate—Introduced—SJ 343
 04/01/2019 Senate—Adopted without roll call—SJ 343
 04/03/2019 Senate—Enrolled on Wednesday, April 3, 2019—SJ 359
- S 1733** Resolution by Senators Billinger, Alley, Baumgardner, Berger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn
Honoring the 70th anniversary of the Kansas commission on disability concerns.
 04/01/2019 Senate—Introduced—SJ 342
 04/01/2019 Senate—Adopted without roll call—SJ 342
 04/03/2019 Senate—Enrolled on Wednesday, April 3, 2019—SJ 359
- S 1734** Resolution by Senators Pettey, Taylor
Recognizing April as child abuse prevention month.
 04/02/2019 Senate—Introduced—SJ 352
 04/02/2019 Senate—Adopted without roll call—SJ 352
 04/03/2019 Senate—Enrolled on Wednesday, April 3, 2019—SJ 359
- S 1735** Resolution by Senator Pettey
Recognizing the Merriam Park elementary and the Shawnee Mission school district's health partnership school-based clinic.
 04/02/2019 Senate—Introduced—SJ 352
 04/02/2019 Senate—Adopted without roll call—SJ 352
 04/03/2019 Senate—Enrolled on Wednesday, April 3, 2019—SJ 359
- S 1736** Resolution by Senator Rucker
Honoring the Washburn Rural high school girls basketball team.
 04/03/2019 Senate—Introduced—SJ 357
 04/03/2019 Senate—Adopted without roll call—SJ 357
 04/05/2019 Senate—Enrolled on Friday, April 5, 2019—SJ 589

- S 1737 Resolution by Senator Faust-Goudeau
Honoring men and women of the prince hall shriners.
 04/04/2019 Senate—Introduced—SJ 362
 04/04/2019 Senate—Adopted without roll call—SJ 362
 04/05/2019 Senate—Enrolled on Friday, April 5, 2019—SJ 589
- S 1738 Resolution by Senator Faust-Goudeau
Honoring men and women of the prince hall masons.
 04/04/2019 Senate—Introduced—SJ 363
 04/04/2019 Senate—Adopted without roll call—SJ 363
 04/05/2019 Senate—Enrolled on Friday, April 5, 2019—SJ 589
- S 1739 Resolution by Senator Sykes
honoring the 125th anniversary of Goodwill of Western Missouri and Eastern Kansas.
 05/01/2019 Senate—Introduced—SJ 593
 05/01/2019 Senate—Adopted without roll call—SJ 593
 05/03/2019 Senate—Enrolled on Friday, May 3, 2019—SJ 753
- S 1740 Resolution by Senator Lynn
Congratulating and commending the Olathe Northwest High School Raven Dance Team for winning the 2019 National Dance Alliance high school national championship.
 05/01/2019 Senate—Introduced—SJ 597
 05/01/2019 Senate—Adopted without roll call—SJ 597
 05/03/2019 Senate—Enrolled on Friday, May 3, 2019—SJ 753
- S 1741 Resolution by Senator Holland
Honoring William Noble
 05/02/2019 Senate—Introduced—SJ 665
 05/02/2019 Senate—Adopted without roll call—SJ 665
 05/03/2019 Senate—Enrolled on Friday, May 3, 2019—SJ 753
- S 1742 Resolution by Senators Alley, Holland, Wagle
Recognizing Tom Hedrick and his sports broadcasting career.
 05/02/2019 Senate—Introduced—SJ 666
 05/02/2019 Senate—Adopted without roll call—SJ 666
 05/03/2019 Senate—Enrolled on Friday, May 3, 2019—SJ 753
- S 1743 Resolution by Senator Lynn
Recognizing Rick Riggs' service to the State of Kansas.
 05/02/2019 Senate—Introduced—SJ 667
 05/02/2019 Senate—Adopted without roll call—SJ 667
 05/03/2019 Senate—Enrolled on Friday, May 3, 2019—SJ 753
- S 1744 Resolution by Senators Hensley, Wagle
Recognizing Raney L. Gilliland for his many years of service and dedication to the State of Kansas.
 05/04/2019 Senate—Introduced—SJ 754
 05/04/2019 Senate—Adopted without roll call—SJ 755
 05/14/2019 Senate—Enrolled on Friday, May 10, 2019
- S 1745 Resolution by Senator Hardy
Honoring the 150th anniversary of Abilene, Kansas.
 05/29/2019 Senate—Introduced
 05/29/2019 Senate—Adopted without roll call—SJ 1136
 05/29/2019 Senate—Enrolled on Wednesday, May 29, 2019

HISTORY OF SENATE PETITIONS

- SP 1** by Senator Marci Francisco: A petition demanding an end to the commercial sexual exploitation of human beings and recognition that buying sex is not a victimless crime, signed by Marci Francisco and 3,569 other citizens of the State of Kansas. The purpose of the petition is to show support for efforts to end commercial sexual exploitation, including that of children, in the Sunflower State, page 98.

FINAL
SENATE CALENDAR

No. 61

JANUARY 14, 2019 THROUGH ADJOURNMENT MAY 29, 2019

NUMERICAL SCHEDULE OF SENATE BILLS

1 Ways & Means	32 H Insurance	65 Judiciary
2 Pub H & Wel	33 Fin Inst & Ins	66 Conf Com
3 Eth/Elec/Local Gov	34 Fin Inst & Ins	67 Vetoed, Sustained
4 Eth/Elec/Local Gov	35 Fin Inst & Ins	68 Signed, St Bk
5 Commerce	36 Fin Inst & Ins	69 Signed, Pub 4/18/19
6 Pub H & Wel	37 Fed & State	70 Signed, Pub 5/2/19
7 H Approp	38 Commerce	71 Signed, St Bk
8 Fed & State	39 Signed, St Bk	72 Ways & Means
9 Signed, Pub 3/14/19	40 Signed, St Bk	73 Ways & Means
10 Pub H & Wel	41 Signed, St Bk	74 Ways & Means
11 Pub H & Wel	42 Commerce	Sub
12 Pub H & Wel	43 Eth/Elec/Local Gov	75 H Approp
13 Select Fed Tax Code	44 Select Ed Finance	76 Assess & Tax
14 Ways & Means	45 Gen Orders	77 Signed, St Bk
15 Signed, Pub 5/9/19	46 Judiciary	78 Signed, St Bk
16 Signed, St Bk	47 Education	79 Trans
17 Signed, St Bk	48 Pub H & Wel	80 Gen Orders
18 Signed, Pub 5/23/19	49 H Approp	81 Gen Orders
19 H Judiciary	50 Ag & Nat Res	82 Signed, St Bk
20 Signed, St Bk	51 Eth/Elec/Local Gov	83 Judiciary
21 Judiciary	52 Education	84 Judiciary
22 Vetoed, sustained	53 Signed, Pub 6/6/19	85 Judiciary
23 Fed & State	54 Pub H & Wel	86 Judiciary
24 Utils	55 Judiciary	87 Judiciary
H Sub	56 Eth/Elec/Local Gov	88 Judiciary
25 Signed, Line Item	57 Ways & Means	89 Judiciary
Veto Overridden,	58 Judiciary	90 Signed, St Bk
Pub 6/4/19	59 Signed, Pub 4/11/19	91 Select Fed Tax Code
26 Commerce	60 Signed, St Bk	92 Commerce
27 H Labor Econ Dev	61 Stricken, H Cal	93 Pub H & Wel
28 Signed, St Bk	Sub	94 Signed, St Bk
29 Fin Inst & Ins	62 H Trans	95 Judiciary
30 Fin Inst & Ins	63 Signed, St Bk	96 Judiciary
31 Fin Inst & Ins	64 Fed & State	97 Signed, St Bk

98 Fed & State	140 Gen Orders	183 Fed & State
99 H Gen Orders	141 Commerce	184 Assess & Tax
100 Judiciary	142 H K-12 Ed Budget	185 Select Fed Tax Code
101 Judiciary	143 Trans	186 Ways & Means
102 H Judiciary	144 Pub H & Wel	187 Trans
103 Judiciary	145 Utils	188 Assess & Tax
104 H Tax	146 Commerce	189 Trans
105 Signed, St Bk	147 Ways & Means	190 Gen Orders
106 Judiciary	148 Education	191 Assess & Tax
107 Judiciary	149 Eth/Elec/Local Gov	192 Trans
108 H Judiciary	150 H Judiciary	193 Stricken, H Cal
109 Fin Inst & Ins	151 Assess & Tax	194 Gen Orders
110 Ag & Nat Res	152 Ag & Nat Res	195 Pub H & Wel
111 Ag & Nat Res	153 Ag & Nat Res	196 Assess & Tax
112 Ag & Nat Res	154 Judiciary	197 Assess & Tax
113 Pub H & Wel	155 H Gen Orders	198 Utils
114 Judiciary	156 Select Ed Finance	199 Signed, St Bk
115 Eth/Elec/Local Gov	157 Gen Orders	200 Fin Inst & Ins
116 Eth/Elec/Local Gov	158 Fed & State	201 Assess & Tax
117 Ag & Nat Res	159 Eth/Elec/Local Gov	202 Fin Inst & Ins
118 Ways & Means	160 Judiciary	203 Fed & State
119 Judiciary	161 Judiciary	204 Commerce
120 Pub H & Wel	162 H Child. & Seniors	205 Gen Orders
121 Gen Orders	163 Fin Inst & Ins	206 Gen Orders
122 Pub H & Wel	164 H Fed & State	207 Fed & State
123 Gen Orders	165 Pub H & Wel	208 Ways & Means
124 Utils	166 Judiciary	209 Fin Inst & Ins
125 H Tax	167 Pub H & Wel	210 H Approp
126 Utils	168 Commerce	211 Education
127 Utils	169 Utils	212 Judiciary
128 Signed, St Bk	170 Utils	213 Judiciary
129 Gen Orders	171 Utils	214 Judiciary
Sub	172 Commerce	215 Judiciary
130 Signed, Pub 4/25/19	173 H Approp	216 Ways & Means
131 H Approp	174 Assess & Tax	217 Fin Inst & Ins
132 Eth/Elec/Local Gov	175 Commerce	218 H Fed & State
133 Gen Orders	176 Commerce	Sub
134 H Judiciary	177 Assess & Tax	219 H Judiciary
135 H Tax	178 H Tax	220 Fed & State
136 Gen Orders	179 Assess & Tax	221 Fed & State
137 Fed & State	180 Commerce	222 Fed & State
138 Trans	181 Utils	223 Pub H & Wel
139 Trans	182 Ag & Nat Res	224 Ag & Nat Res

225 Pub H & Wel	231 Pub H & Wel	237 Trans
226 Fed & State	232 H Hlth and Hum Ser	238 Fin Inst & Ins
227 Judiciary	233 Ag & Nat Res	239 Fin Inst & Ins
228 H Insurance	234 Gen Orders	240 Fed & State
229 Fed & State	235 H Tax	241 Ways & Means
230 Education	236 Assess & Tax	

**NUMERICAL SCHEDULE OF
SENATE CONCURRENT RESOLUTIONS
2019 SESSION**

1601 Ways & Means	1605 Adopted & Enr	1609 Interstate Coop
1602 Adopted & Enr	1606 Adopted & Enr	1610 Gen Orders
1603 Adopted & Enr	1607 Adopted & Enr	1611 Gen Orders
1604 Fed & State	1608 Fed & State	1612 Adopted & Enr

**NUMERICAL SCHEDULE OF
SENATE RESOLUTIONS
2019 SESSION**

1701 Adopted & Enr	1716 Adopted & Enr	1731 Died, Gen Orders
1702 Adopted & Enr	1717 Adopted & Enr	1732 Adopted & Enr
1703 Adopted & Enr	1718 Adopted & Enr	1733 Adopted & Enr
1704 Adopted & Enr	1719 Adopted & Enr	1734 Adopted & Enr
1705 Adopted & Enr	1720 Adopted & Enr	1735 Adopted & Enr
1706 Adopted & Enr	1721 Died, Com	1736 Adopted & Enr
1707 Adopted & Enr	1722 Adopted & Enr	1737 Adopted & Enr
1708 Adopted & Enr	1723 Adopted & Enr	1738 Adopted & Enr
1709 Adopted & Enr	1724 Adopted & Enr	1739 Adopted & Enr
1710 Adopted & Enr	1725 Adopted & Enr	1740 Adopted & Enr
1711 Adopted & Enr	1726 Adopted & Enr	1741 Adopted & Enr
1712 Adopted & Enr	1727 Adopted & Enr	1742 Adopted & Enr
1713 Adopted & Enr	1728 Adopted & Enr	1743 Adopted & Enr
1714 Adopted & Enr	1729 Adopted & Enr	1744 Adopted & Enr
1715 Adopted & Enr	1730 Adopted & Enr	1745 Adopted & Enr

**SENATE ACTION ON HOUSE BILLS
2019 SESSION**

2001 Passed	2123 Passed	2211 Passed
2006 Gen Orders	2125 Passed	S Sub
S Sub	2126 CCR Adopted	2214 CCR Adopted
2007 CCR Adopted	2127 Passed	2215 Passed
Sub	2133 Gen Orders	2223 CCR Adopted
2018 Judiciary	2137 Judiciary	S Sub
2031 CCR Adopted	2140 CCR Adopted	2225 CCR Adopted
2033 CCR Adopted	S Sub	2239 Fed & State
2034 Gen Orders	2143 Fin Inst & Ins	2243 Judiciary
2035 Pass Am, H Con	2144 Pass Am, H Con	2244 Judiciary
2038 Pass Am, H Con	2147 Commerce	2246 Conf Com
2039 CCR Adopted	2154 Commerce	2248 CCR Adopted
2041 Fin Inst & Ins	2160 Conf Com	2274 Pub H & Wel
2044 Passed	S Sub	2279 Gen Orders
2048 Gen Orders	2167 CCR Adopted	2281 Gen Orders
2054 Fin Inst & Ins	2168 Conf Com	2290 CCR Adopted
2063 Assess & Tax	2173 Ag & Nat Res	2307 Pub H & Wel
2066 Pub H & Wel	2174 Passed	2314 Eth/Elec/Local Gov
2070 Pass Am, H Con	2177 CCR Adopted	2326 Fed & State
2082 Pub H & Wel	2178 Pass Am, H Con	2336 Judiciary
2084 Pass Am, H Con	2179 Trans	2346 Education
2085 Pass Am, H Con	2185 Gen Orders	2360 Gen Orders
2087 CCR Adopted	2188 Passed	2365 Pass Am, H Con
2097 Passed	2191 Passed	2369 Trans
2101 Passed	2198 Pub H & Wel	2371 Trans
2103 Pass Am, H Con	2199 Gen Orders	2372 Trans
2104 Passed	2201 Passed	2389 Pub H & Wel
2105 Gen Orders	2203 CCR Adopted	2396 Judiciary
2118 Assess & Tax	2206 Gen Orders	2402 Pub H & Wel
2119 CCR Adopted	2209 CCR Adopted	

**SENATE ACTION ON HOUSE CONCURRENT RESOLUTIONS
2019 SESSION**

5002 Adopted	5014 Adopted
5011 Adopted	5015 Adopted

SENATE BILLS CARRIED OVER TO 2020 SESSION

1 Ways & Means	56 Eth/Elec/Local Gov	112 Ag & Nat Res
2 Pub H & Wel	57 Ways & Means	113 Pub H & Wel
3 Eth/Elec/Local Gov	58 Judiciary	114 Judiciary
4 Eth/Elec/Local Gov	Sub	115 Eth/Elec/Local Gov
5 Commerce	62 H Trans	116 Eth/Elec/Local Gov
6 Pub H & Wel	64 Fed & State	117 Ag & Nat Res
7 H Approp	65 Judiciary	118 Ways & Means
8 Fed & State	66 Conf Com	119 Judiciary
10 Pub H & Wel	72 Ways & Means	120 Pub H & Wel
11 Pub H & Wel	73 Ways & Means	121 Gen Orders
12 Pub H & Wel	74 Ways & Means	122 Pub H & Wel
13 Select Fed Tax Code	Sub	123 Gen Orders
14 Ways & Means	75 H Approp	124 Utils
19 H Judiciary	76 Assess & Tax	125 H Tax
21 Judiciary	79 Trans	126 Utils
23 Fed & State	80 Gen Orders	127 Utils
24 Utils	81 Gen Orders	129 Gen Orders
26 Commerce	83 Judiciary	131 H Approp
27 H Labor Econ Dev	84 Judiciary	132 Eth/Elec/Local Gov
29 Fin Inst & Ins	85 Judiciary	133 Gen Orders
30 Fin Inst & Ins	86 Judiciary	134 H Judiciary
31 Fin Inst & Ins	87 Judiciary	135 H Tax
32 H Insurance	88 Judiciary	136 Gen Orders
33 Fin Inst & Ins	89 Judiciary	137 Fed & State
34 Fin Inst & Ins	91 Select Fed Tax Code	138 Trans
35 Fin Inst & Ins	92 Commerce	139 Trans
36 Fin Inst & Ins	93 Pub H & Wel	140 Gen Orders
37 Fed & State	95 Judiciary	141 Commerce
38 Commerce	96 Judiciary	142 H K-12 Ed Budget
42 Commerce	98 Fed & State	143 Trans
43 Eth/Elec/Local Gov	99 H Gen Orders	144 Pub H & Wel
44 Select Ed Finance	100 Judiciary	145 Utils
45 Gen Orders	101 Judiciary	146 Commerce
46 Judiciary	102 H Judiciary	147 Ways & Means
47 Education	103 Judiciary	148 Education
48 Pub H & Wel	104 H Tax	149 Eth/Elec/Local Gov
49 H Approp	106 Judiciary	150 H Judiciary
50 Ag & Nat Res	107 Judiciary	151 Assess & Tax
51 Eth/Elec/Local Gov	108 H Judiciary	152 Ag & Nat Res
52 Education	109 Fin Inst & Ins	153 Ag & Nat Res
54 Pub H & Wel	110 Ag & Nat Res	154 Judiciary
55 Judiciary	111 Ag & Nat Res	155 H Gen Orders

156 Select Ed Finance	185 Select Fed Tax Code	216 Ways & Means
157 Gen Orders	186 Ways & Means	217 Fin Inst & Ins
158 Fed & State	187 Trans	218 H Fed & State
159 Eth/Elec/Local Gov	188 Assess & Tax	Sub
160 Judiciary	189 Trans	219 H Judiciary
161 Judiciary	190 Gen Orders	220 Fed & State
162 H Child. & Seniors	191 Assess & Tax	221 Fed & State
163 Fin Inst & Ins	192 Trans	222 Fed & State
164 H Fed & State	194 Gen Orders	223 Pub H & Wel
165 Pub H & Wel	195 Pub H & Wel	224 Ag & Nat Res
166 Judiciary	196 Assess & Tax	225 Pub H & Wel
167 Pub H & Wel	197 Assess & Tax	226 Fed & State
168 Commerce	198 Utils	227 Judiciary
169 Utils	200 Fin Inst & Ins	228 H Insurance
170 Utils	201 Assess & Tax	229 Fed & State
171 Utils	202 Fin Inst & Ins	230 Education
172 Commerce	203 Fed & State	231 Pub H & Wel
173 H Approp	204 Commerce	232 H Hlth and Hum Ser
174 Assess & Tax	205 Gen Orders	233 Ag & Nat Res
175 Commerce	206 Gen Orders	234 Gen Orders
176 Commerce	207 Fed & State	235 H Tax
177 Asses & Tax	208 Ways & Means	236 Assess & Tax
178 H Tax	209 Fin Inst & Ins	237 Trans
179 Assess & Tax	210 H Approp	238 Fin Inst & Ins
180 Commerce	211 Education	239 Fin Inst & Ins
181 Utils	212 Judiciary	240 Fed & State
182 Ag & Nat Res	213 Judiciary	241 Ways & Means
183 Fed & State	214 Judiciary	
184 Assess & Tax	215 Judiciary	

**SENATE CONCURRENT RESOLUTIONS
CARRIED OVER TO 2020 SESSION**

1601 Ways & Means	1608 Fed & State	1610 Gen Orders
1604 Fed & State	1609 Interstate Coop	1611 Gen Orders

**SUMMARY OF ACTIONS ON SENATE BILLS
AND SENATE RESOLUTIONS**

Senate Bills	
Senate bills introduced in 2019 Session	241
Senate bills signed by Governor	20
Senate bills vetoed by the Governor	2
(SB 22, Veto Sustained; SB 67, Veto Sustained)	
Senate bills line-item vetoed by the Governor	1
(H Sub SB 25, Veto Overridden)	
Senate bills printed in Kansas Register	8
Senate bills killed in Senate	0
Senate bills killed in House	2
Senate bills carried over to 2020 Session	208
Senate bills in Senate Committees	164
Senate bills in House Committees	26
Senate bills on Senate Calendar	15
Senate bills on House Calendar	2
Senate bills in Conference Committee	1
TOTAL	241
 Senate Concurrent Resolutions	
Senate concurrent resolutions introduced in 2019 Session	12
Senate concurrent resolutions adopted by both houses	6
Senate concurrent resolutions carried over to 2020 Session	6
Senate concurrent resolutions in Senate Committees	6
TOTAL	12
 Senate Resolutions	
Senate resolutions introduced in the 2019 Session	45
Senate resolutions adopted	43
Senate resolutions died on Senate Calendar	1
Senate resolutions died in Senate Committee	1
TOTAL	45

STATUS OF BILLS AND RESOLUTIONS

Senate bills signed by the Governor: Nos. 16, 17, 20, 28, 39, 40, 41, 60, 63, 68, 71, 77, 78, 82, 90, 94, 97, 105, 128, 199

Senate bills signed by the Governor and published in Kansas Register:
Nos. 9, 15, 18, 53, 59, 69, 70, Sub 130

Senate bills becoming law notwithstanding Governor's Veto: No. H Sub 25

Senate bills vetoed by the Governor: Nos. 22, 67

Senate resolutions adopted: Nos. 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745

Senate concurrent resolutions adopted by both Houses: Nos. 1602, 1603, 1605, 1606, 1607, 1612

**APPOINTMENTS, COMMUNICATIONS, CONFIRMATIONS, MESSAGES
FROM THE GOVERNOR, SPECIAL EVENTS AND GUESTS
2019 SENATE JOURNAL**

APPOINTMENTS

The Reverend Cecil T. Washington, Jr., of New Beginnings Church, Topeka, to serve as Chaplain of the Senate, page 1.

SR 1701, relating to the organization of the Senate and appointments of Senators Susan Wagle, president; Jeff Longbine, vice president; Jim Denning, majority leader; Anthony Hensley, minority leader; Corey Carnahan, secretary; Charles (Nick) Nicolay, sergeant at arms, page 3.

SR 1702, relating to the assignment of seats of the Senate, page 4.

COMMUNICATIONS FROM STATE OFFICERS

Secretary of the Senate, Corey Carnahan, has received the following communications during the interim since adjournment of the 2018 Regular Session of the Legislature:

Kris Kobach, Secretary of State certifying that Richard Hilderbrand was elected to the Senate of the State of Kansas for the remainder of the unexpired four-year term for District 13, ending on the second Monday of January, 2021, page 1.

Submitted for confirmation by Attorney General Derek Schmidt: Sarah E. Fertig, Medicaid Inspector General, page 17; Richard Samamiego, Crime Victims Compensation Board, page 17.

James Hubbard submitted the annual report of the Johnson County Education Research Triangle, page 18.

Scott W. Miller, Director, submitted the annual report of the Pooled Money Investment Board, page 18.

Kansas Department of Education submitted information relating to school safety and security, page 18.

Attorney General Derek Schmidt submitted the FY 2018 annual report of the Abuse, Neglect and Exploitation Unit, page 18.

Joseph House, Executive Director, Board of Emergency Medical Services, submitted the annual report on civil fines issued and and investigative subpoenas issued, page 18.

Shari Feist Albrecht, Chair, and Ryan A. Hoffman, Director, Conservation Division, Kansas Corporation Commission, submitted the Abandoned Oil and Gas Well Status report and the Oil and Gas Remediation Site Status report, page 22.

Elaine Frisbie, Kansas Board of Regents, submitted the annual report on the Kan-Ed Fund and the annual report of the Postsecondary Technical Education Authority (TEA), page 22.

President Susan Wagle announced the establishment of the Senate Select Committee on Federal Tax Code Implementation, page 27.

President Susan Wagle appointed the following Senators to the Select Committee on Federal Tax Code Implementation: Senator Wagle (Chairperson), Senator Kerschen (Vice-Chairperson), Senator Holland (Ranking Minority Member), Senator Alley, Senator Goddard, Senator Longbine, Senator Lynn, Senator Miller and Senator Petersen, page 37.

Vicki Schmidt, Commissioner of Insurance, submitted the 2018 Annual Report, page 54.

Kirk D. Thompson, Director; Kansas Bureau of Investigation, submitted the annual report of the KBI State Forfeiture Fund, page 54.

Colonel Mark A. Bruce, Superintendent, submitted the Kansas Highway Patrol annual report regarding state forfeiture funds, page 64.

The Fiscal Year 2018 Annual Report of the Kansas Board of Indigents' Defense Services has been submitted, page 68.

Executive Secretary Alexandria Blasi, submitted the Kansas Board of Pharmacy Report on Substances Proposed for Scheduling, Rescheduling or Deletion, page 93.

Acting Secretary Lee A. Norman, M.D., submitted the report of the Technical Committee regarding the application from the Kansas Society of Anesthesiologists to credential Anesthesiologist Assistants, page 101.

Kansas Attorney General Derek Schmidt, submitted the 2018 annual report of the Crime Victims Compensation Board, page 112.

Acting Secretary Laura Howard, submitted the Kansas Department for Children and Families report on DCF's inspections of state children's institutions and recommendation for insuring proper sanitary conditions and adequate health supervision, page 206.

Commissioner of Insurance, Vicki Schmidt, submitted the FY 2018 Annual Report of the Kansas Workers Compensation Fund, page 206.

Commissioner of Insurance Vicki Schmidt, appointed Jeffrey S. Wagaman as Kansas Securities Commissioner, to serve a four-year term running concurrently with the Commissioner of Insurance as provided by K.S.A. 40-106, page 348.

Central Interstate Low-Level Radioactive Waste Commission Chairperson, R. Scott Blackwell, submitted the annual report of the Central Interstate Low-Level Radioactive Waste Commission, page 555.

CONFIRMATION OF APPOINTMENTS

Consideration of confirmation of appointments, pages 28-32, 195, 285, 346, 347, 508, 509, 752, 1129, 1133.

MESSAGES FROM THE GOVERNOR

Submitting for confirmation by Governor Jeff Colyer: Jerel Wright, Administrator, Department of Credit Unions; Eric Norris, State Librarian, Kansas State Library; Michael Copeland, Public Member, University of Kansas Hospital Authority; Jack Newman, Jr., Public Member, University of Kansas Hospital Authority; Ryann Waller, Member, Employment Security Board of Review; Casey Lair, Member, Kansas State Banking, Board; Carroll Macke, Member, State Civil Service Board; Harold Shorn, Jr., Member, Human Rights Commission; Dr. Donna Thomas, Public Member, University of Kansas Hospital Authority; Gregory Graves, Public Member, University of Kansas Hospital Authority; William Feuerborn, Regents, Kansas Board of Regents; Mark Hutton, Regents, Kansas Board of Regents; Allen Schmidt, Regents, Kansas Board of Regents; Derel Wynn, Public Member, University of Kansas Hospital Authority; Raymond Melugin, Public Member, State Civil Service Board; Steven Bowser, Public Member, Pooled Money Investment Board; David Dillon, Public Member, University of Kansas Hospital Authority, pages 14-17.

From the Office of Governor Jeff Colyer: Executive Order 18-13 through 19-01; Executive Directive 18-486, 18-487, and 18-489 authorizing personnel transactions; Executive Directive 18-488 and 18-491 through 18-498 authorizing the expenditure of federal funds; Executive Directive 18-490 authorizing the transfer of funds between State General Fund Budget Units, page 18.

From the Office of Governor Jeff Colyer: regarding the issuance of executive clemency: Wandaleen Thomas, Wichita, Kansas, currently living in Fountain, Colorado,

has received an unconditional pardon; Christopher Rickerson of Wichita, Kansas, has received an unconditional pardon; Regina Carter of Emporia, Kansas, has received a commutation of sentence, pages 21-22.

From the Office of Governor Laura Kelly: Executive Order No. 19-02, page 25; Executive Order No. 19-03, page 43.

Executive Directive No. 1-499, page 101.

Submitting for confirmation: David Toland, Secretary, Department of Commerce; Julie Lorenz, Secretary, Department of Transportation; Lee Norman, Secretary, Department of Health and Environment; Mark Burghart, Secretary, Department of Revenue, page 170.

Submitting for confirmation: Brad Loveless, Secretary, Kansas Department of Wildlife, Parks and Tourism; Laura Howard, Secretary, Department of Children and Families; Laura Howard, Secretary, Department for Aging and Disability Services; Donald Brownlee, Executive Director, Kansas Racing and Gaming Commission, page 203.

Executive Directive No. 19-500, page 216.

Executive Order 19-04, page 227.

Submitted herewith for confirmation: Mike Beam, Secretary, Kansas Department of Agriculture, page 230.

Executive Order 19-05, page 280.

Submitted herewith for confirmation: Delia Garcia, Secretary, Kansas Department of Labor, page 348.

Submitted herewith for confirmation: *Commissioner, Kansas Corporation Commission*, Susan Duffy, Topeka, page 592.

Executive Orders 19-06 and 19-07, page 592.

Executive Order 19-08, page 751.

Submitted for confirmation: Jeffrey Jack, Judge, Kansas Court of Appeals, page 1128.

Submitting for confirmation: Sarah Warner, Judge, Kansas Court of Appeals, page 1130.

Executive Directives Nos. 19-501, 19-502 and 19-503, page 1131.

VETO MESSAGES

Veto message regarding **SB 22** regarding Kansas itemized deductions, election, providing for deferred foreign income, global intangible low-taxed income, business interest, capital contributions and FDIC premium income tax modifications; sales and compensating use tax, imposition of tax, nexus, remote sellers, marketplace facilitators, rate of tax on food and food ingredients. **SB 22** is vetoed in its entirety, page 354. Veto sustained, page 593.

Veto message regarding **SB 67**, Requiring notification to patients that the effects of a medication abortion may be reversible. **SB 67** vetoed in its entirety, page 594. A two-thirds constitutional majority voted in favor of overriding the Governor's veto, the motion prevailed and the bill passed, page 594.

Veto message regarding **H Sub SB 25** concerning line-item vetoes, page 1132.

Board of Pharmacy

Section 27(a) and (b), transferring \$705,000 from the Medical Programs Fee Fund for K-TRACS in FY20, have been line-item vetoed.

While I am a strong proponent of the K-TRACS program, my original budget recommendation did not include SGF funding for this program because it is inconsistent with the structure of fee-funded agencies. Sweeps from the Medical Programs Fee Fund

must be backfilled by the State General Fund, making this transfer to K-TRACS an SGF appropriation. The Board of Pharmacy indicated that it will likely receive a federal grant to cover the cost of this line item. In the event that this grant is not awarded, I have instructed my administration to keep lines of communication open with the Board of Pharmacy in its effort to identify alternative, non-SGF sources for K-TRACS.

KPERS

Section 56(e), requiring an additional \$51 million transfer from the State General Fund to KPERS in FY20, has been line-item vetoed.

The very first piece of legislation I signed into law repaid an extra \$115 million in debt incurred to the Kansas Public Employees Retirement System. This extra payment fixed past mistakes, when emergency steps were taken to pay for failed tax policy. However, given the large number of critical, unmet needs still facing state government, it is not prudent to add another additional KPERS payment that goes beyond the regularly scheduled payments already being made. In fact, this could actually harm the state's ability to make full, timely KPERS payments in the very near future. This line-item veto provides an essential cushion to the state ending balance so that Kansas can continue to pay its bills and rebuild the state more sustainably.

Department of Aging and Disability Services

Section 84(a), \$1,885,000 for community mental health centers supplemental funding and community aid, as well as \$38,646 for the Client Assessment Referral and Evaluation (CARE) program, both in FY19, has been line-item vetoed.

I am pleased to support \$5 million in additional funding for CMHC grants in FY20. In an effort to more evenly distribute reinvestment in Kansas government, I do not believe it is responsible to further increase CMHC funding for the remaining portion of FY19. This veto does not eliminate \$196,304 included to expand the Clubhouse Model and Breakthrough House in FY19.

Department of Education

Section 90(a), \$1,200,000 for evidenced-based or research-based reading programs, \$80,000 for Technical Education incentives, and \$261,000 for Teach for America, all in FY20, have been line-item vetoed.

Increasing funding to Kansas public schools was my top budget priority and proudest accomplishment as Governor in 2019. However, in a continued effort to establish fair expectations of accountability and efficiency throughout state government, I felt it inappropriate to earmark education funds through the Kansas Department of Education. I encourage local districts to use their new State Foundation Aid to participate in these programs as they deem appropriate.

In total, these line item vetoes will increase the State General Fund balance by \$54.4 million between FY19 and FY20. The new ending balance also complies with the statutory requirement to leave 7.5% of the State General Fund in reserve.

Veto message regarding **SB 67: Senate Bill 67** will interfere with the relationship between patients and their physicians. This unwarranted legislation would create confusion, could be harmful to women's health, and would subject health professionals to criminal penalties for failing to follow a government mandate that is not adequately supported by medical science.

The practice of medicine should be left to licensed health professionals, not elected officials.

Therefore, under Article 2, Sections 14(a) of the Constitution, I hereby veto **Senate Bill 67**.

SPECIAL EVENTS AND GUESTS

President Wagle introduced Dr. Jeremy Presley, president of the Kansas Academy of Family Physicians. Dr. Presley has practiced in Dodge City since 2010 as a partner at Family Practice Associates of Western Kansas. The Academy sponsors the Doctor of the Day program in the Statehouse. President Wagle thanked Dr. Presley and the Academy for their support of the program and for their outstanding assistance during session, page 1.

President Wagle introduced Nicole Turner, who will be the Senate reader, page 2.

President Wagle introduced the Honorable Marla Luckert, Justice of the Kansas Supreme Court, who administered the Oath of Office to newly appointed Senators Kevin Braun, Vic Miller, Eric Rucker, Mary Ware and newly elected Senator Richard Hilderbrand, page 2.

President Wagle introduced Chaplain Dr. Larry Jones, Missionary Baptist Church of Wichita and a guest of Senator Haley, page 26.

Senator Faust-Goudeau rose on a Point of Personal Privilege to introduce guests visiting the Capitol in recognition of the legacy of Dr. Martin Luther King. Guests introduced were: Kenya Cox, Executive Director of Kansas African American Affairs Commission (KAAAC); Roy Moye, III; Sherdeill Breathett, KAAAC Commissioner; Mrs. Sue Jones, wife of today's guest Chaplain; and Charles Jean Baptiste, who conceptualized the Brown v. Board Mural displayed in the Capitol, page 26.

President Wagle introduced 4th District Congressman, Ron Estes, and his wife, Susan, page 34.

Senators Givens, Alley, Taylor and Lynn rose on a Point of Personal Privilege to introduce Miss Kansas 2018, Hannah Klaassen, page 38.

Senators Baumgardner, Alley, Bollier, Braun, Estes, Givens, Lynn, Pettey, Pilcher-Cook, Pyle, Rucker, Sykes and Taylor congratulated and commended the members of the 2019 Kansas Teacher of the Year team: 2019 Kansas Teacher of the Year is Whitney Morgan, Kansas City USD 500; regional finalists are: Jennifer S. Brown, Geary County USD 475; Megan Clark, DeSoto USD 232; Signe A. Cook, Great Bend USD 428; Nicole L. Corn, Lawrence USD 497; Lan T. Huynh, Wichita USD 259; Sharon L. Kuchinski, Leavenworth USD 453; and Tim "T.J." Warnak, Halstead-Bentley USD 440, page 45.

President Wagle introduced guest chaplain, William L. Graves, Pastor, New Basel United Church of Christ, Abilene, to deliver the invocation, page 47.

Senator Baumgardner rose on a Point of Personal Privilege to recognize students participating in the Belle Plaine High School Dragon Prints entrepreneurial program, page 47.

Senator Berger congratulated and commended the members of Buhler High School's boys cross country team for their outstanding performance at the 2018 State Cross Country Meet. Members of the team include Brayden Dressman, Cordel Hendrickson, Hayden Keller, Tanner Lindahl, Colton Lohrentz, Rand Lohrentz, and Ryan Neill. Team coaches include head coach Curtis Morgan and assistant coaches Andrea Pope, Chad Wahlgren, and Adam Willis , page 48.

Senators Suellentrop, Baumgardner, Billinger, Braun, Denning, Francisco, Goddard, Hilderbrand, Longbine, Olson, Petersen, Pyle, Rucker, Skubal, Tyson, Wagle and Wilborn congratulated and commended Angela Hamilton of Sedgwick County EMS for being named 2018 Paramedic of the Year by the National Association of Emergency Medical Technicians, page 49.

Senator McGinn recognized Jack Whitson's dedicated service to Park City, page 50.

Senator Faust-Goudeau rose on a Point of Personal Privilege to speak in honor of Black History Month, which begins February 1. Guests introduced were Janice Thacker, representing the 8th Annual Art that Touches Your Heart competition, and Verlene Mahomes, Passionate Petals Fine Arts, page 52.

Vice President Longbine introduced guest Chaplain, Reverend Sarah Oglesby-Dunegan, Unitarian Universalist Church of Topeka and guest of Senator Miller to deliver the invocation, page 70.

Senators Estes, Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware and Wilborn recognized February 7, 2019, as JAG-K Day at the Capitol. Guests introduced were Ezariah Rodriguez, Ana Resendiz, Mekinzie Rojas, Bailey Pauley, Kristofer Tolman, Haydn Mason, Gage Mason, Bryar Belt, Carly Condella, Chuck Knapp and Bev Mortimer, page 72.

Senators Kerschen, Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Denning, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Longbine, Lynn, McGinn, Miller, Olson, Petersen, Pettey, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware and Wilborn honored the Kansas Farm Bureau, its 105 county Farm Bureaus, and the many Kansas farmers and ranchers who provide food, fuel, and fiber to the citizens of Kansas and to people around the world, page 72.

Senator Hensley congratulated and commended 2018 Milken Educator Award winner Linda Dishman. Guests introduced were Linda Dishman, Renae Hansen, Eric Deitcher, Erica Price, Rosa Cavazos, Marty Stessman, Stacy Giebler, Lauren Tice Miller and Ann Mah, page 74.

Senator Billinger introduced guest Chaplain Dave DePue, Pastor, Kansas Capitol Commission, to deliver the invocation, page 78.

Senators Baumgardner, Alley, Berger, Billinger, Bollier, Braun, Denning, Francisco, Goddard, Haley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Olson, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Tyson, Ware and Wilborn congratulated and commended educators in Kansas who received National Board Certification: Caroline Anderson, Liberty View Elementary School, Blue Valley USD 229; Rebecca Dalton, Blue Valley North High School, Blue Valley USD 229; Julie Disbrow, Eisenhower Middle School, Manhattan-Ogden USD 383; Sandy Espitia, Blue Valley West High School, Blue Valley USD 229; Christy Hagan, Sunrise Point Elementary School, Blue Valley USD 229; Heather Hagstrom, Blue Valley USD 229; Melissa Hensley, Garden City High School, Garden City USD 457; Jackie Ingram, Salina Middle School, Salina USD 305; Brandy Lane, Eisenhower Middle School, Goddard USD 265; Donna Long, Frances Willard Elementary School, Kansas City USD 500; Jennifer Mercer, Pauline South Intermediate School, Auburn-Washburn USD 437; Traci Miller, Riley Elementary School, Great Bend USD 428; Kristy Oborny, Kathryn O'Loughlin McCarthy Elementary School, Hays USD 489; Angie Persyn, Valley Center High School, Valley Center USD 262; Theresa Rudnick, Blue Valley North High School, Blue Valley USD 229; Bethany Vokac, Liberty View Elementary School, Blue Valley USD 229; Angie Webb, St. John Elementary School, St. John-Hudson USD 350; and Phillip Wrigley, Topeka High School, Topeka USD 501, page 82.

Also honored were thirty-two beginning educators from across the state named as 2019 Kansas Horizon Award Program winners: Region 1 recipients include Holly Abel, Riverside Elementary School, Emporia USD 253; Abigail Baeten, Lincoln Elementary

School, Clay County USD 379; Abigail Buser, Westwood Elementary School, Geary County USD 475; Meredith Clark, Beloit Junior/Senior High School, Beloit USD 273; Kristy Fischer, Ellinwood Middle/High School, Ellinwood USD 355; Kaleigh Huxman, McPherson Middle School, McPherson USD 418; Jill Siebert, Hillsboro Elementary School, Hillsboro-Lehigh-Durham USD 410; and Alicia Herbel, Moundridge Middle/High School, Moundridge USD 423, page 82;

Region 2 recipients include Olivia Basye, Berryton Elementary School, Shawnee Heights USD 450; Chari Bauman, Yates Center Elementary School, Woodson USD 366; Julie Burk, Eudora Elementary School, Eudora USD 491; Riley Propps, Shawnee Heights High School, Shawnee Heights USD 450; Logan Pegram, Anderson County Junior/Senior High School, Garnett-Greeley-Westphalia USD 365; Macy Pickman, Atchison High School, Atchison USD 409; Garret Platt, Seaman Middle School, Seaman USD 345; and Hannah Taylor, Scott Dual Language Magnet School, Topeka USD 501, page 83.

Region 3 recipients include Bailey Bacon, J.C. Harmon High School, Kansas City USD 500; Kadra Boulware, Rockville Elementary School, Louisburg USD 416; Katey Foley, Gardner Edgerton High School, Gardner Edgerton USD 231; Sarah Lenz, Wolf Creek Elementary School, Spring Hill USD 230; Haley Poulter, Mize Elementary School, De Soto USD 232; Clayton Prater, Bonner Springs Elementary School, Bonner Springs/Edwardsville USD 204; Leanna Willer, Louisburg High School, Louisburg USD 416; and Danielle Winkler, Spring Hill Middle School, Spring Hill USD 230, page 83.

Region 4 recipients include Macey Dinkel, Stafford Elementary School, Stafford USD 349; Rachel Eck, Goddard High School, Goddard USD 265; Amy Hiebert, Halstead Middle School, Halstead/Bentley USD 440; Joseph Hubener, Clearwater High School, Clearwater USD 264; Chandler Ochoa, Newton High School, Newton USD 373; Michelle Ramirez, Nelson Elementary School, Haysville USD 261; Payton Scheer, Challenger Intermediate School, Goddard USD 265; and Paige Towey, St. Mark's School, Renwick USD 267, page 83.

Senator Holland recognized Baldwin City as the Quilt Capital of Kansas, page 93.

Senators Wilborn, Alley, Baumgardner, Berger, Billinger, Denning, Estes, Hardy, Hilderbrand, Kerschen, Longbine, Masterson, Olson, Petersen and Suellentrop recognizing September 1-7, 2019, as Resiliency Week in Kansas, page 102.

Senators Rucker, Berger, Givens and Miller honored Washburn Rural high school for being named the 2018 National Performing Arts School of Excellence, page 103.

Senators Wilborn and Hardy honored the 150th anniversary of Lindsborg, Kansas, page 105.

Vice President Longbine introduced guest Chaplain, Reverend Verdell Taylor, St. Luke African Methodist Episcopal Church in Lawrence and guest of Senators Holland and Hensley, to deliver the invocation, page 116.

Senator Billinger rose on a Point of Personal Privilege to recognize the Fort Hays State University Shot Gun Team, winners of the 2018 Scholastic Clay Target Program, College Division II National Championship held in Marengo, Ohio. Members of the team include Coach Duane Shephard, his wife, Teresa; Brock Barton, Blake Craig, Josh Crankshaw, Katie Dettmann, Will Dulohery, Gus Dunbar, Cody Escritt, Heather Gordon, Luke Heinzen, Colton Lashley, Jerrod Lies, Hank McVeigh, Keegan Morgan, Wyatt Pursell, Riley Ross, Michael Saint, Jenny Schoenecker, Hunter Secrest, Lane Sorensen, Ryan St. Peters, Austin Svoboda, Cordell Waggoner, Jake Whipple, Cole Ziegelmeier, Jay Ziegemeier, Haily Zulkoski, and Fort Hays President, Dr. Tisa Mason, page 116.

Senators Faust-Goudeau and Haley recognized the members of Delta Sigma Theta Sorority, Inc. for their outstanding service to the citizens of our state, our nation and the international community, and for their promotion of sisterhood, scholarship and service, page 118.

Senator Longbine recognized the Kansas Athletic Trainers' Society and the profession of athletic training in Kansas, page 170.

Senator Longbine introduced guest Chaplain, Reverend Rich Shockey, Church of the Nazarene and guest of Senator Sykes, to deliver the invocation, page 172.

Senator Holland congratulating and commending Dr. Kent and Olga Porter for their indomitable commitment to and outstanding achievement in the restoration of the historic Stonehaven Farm, page 173.

Senators Holland, Billinger, Braun, Doll, Faust-Goudeau, Francisco, Goddard, Haley, Hawk, Hilderbrand, Kerschen, Longbine, McGinn, Miller, Petersen, Pettey, Rucker, Skubal, Sykes, Taylor, Tyson, Wagle and Ware recognized the Kansas Small Business Development Center's 2019 Businesses of the Year. The 2019 Kansas SBDC Emerging Businesses of the Year are: ArtForms Gallery in Pittsburg, owned by Sue Horner, Janet Lewis, Ruth Miller, and Sylvia Shirley; Ellen Plumb's City Bookstore in Emporia, owned by Marcia Lawrence; Gravity Wellness Center in Garden City, owned by Kristi Schmitt; Leeway Franks in Lawrence, owned by Lee and K. Meisel; Lost Creek German Shepherds in Clayton, owned by Taylor and John Meitl; Norsemen Brewing Company in Topeka, owned by Jared and Emily Rudy and Adam and Melissa Rosdahl; Safely Delicious in Overland Park, owned by Lisa Ragan; and Triple Threat Ag Services in Conway Springs, owned by Aaron, Allen, Paul, and Phillip Lange page 180.

2019 Kansas SBDC Existing Businesses of the Year are: Angela's Wellness Center, LLC in Elkhart, owned by Angela Willey; Bolling's Meat Market & Deli in Iola, owned by Cara Bolling Thomas; Dod Installations in Wichita, owned by Wilt and Tina Dod; Floyd's Inc. in Emporia, owned by John and Ruth Wheeler; Good Energy Solutions in Lawrence, owned by Kevin Good; LaCrosse Furniture Co. in LaCrosse, employee-owned; The Winged Lion in Manhattan, owned by Ralph Diaz; and Wolcott Foods in Kansas City, owned by Ron Tilman, page 180.

Senator Lynn rose on a Point of Personal Privilege to introduce her fellow Board Members from the Kansas State School for the Blind, known as the "KC Blind All Stars," Kansas City, Kansas, who have been "shadowing" her for the day and were seated in the VIP Gallery: Jon Harding, Vice-President and Superintendent; Larry Hisle, Secretary; Tom Johnson, Treasurer; and Madeleine Burkindine, Board Member and former Superintendent, page 187.

Senators Braun, Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware and Wilborn honored the members and posts of the Kansas American Legion for the 100 years of service and dedication to Kansans, page 194.

Senator Hensley commemorated Mildred N. McCreight's 100th birthday and her lifelong dedication to her faith, family, farm and community, page 195.

Senator Wagle introduced Reverend Dr. Ed Farris, Heartland Hospice Care in Topeka and guest of Senator Denning, who delivered the invocation, page 216.

Senator Faust-Goudeau recognized Storytime Village, Inc., for its work in giving young Kansas children the opportunity for a better future through its literacy programs, page 223.

Senator Faust Goudeau rose on a point of personal privilege to honor Literacy Day at the Capitol and introduced the following guests: Prisca Barnes, Founder and CEO-Storytime Village; Kenya Cox, Executive Director-KAAAC; Wakeelah Martinez, Education Program Coordinator-Storytime Village; Carol Hazen, Kansas Reading Roadmap; Sonali Bhakta, Kansas Literacy Champion-2019 Outstanding Literacy Advocate; Vincent Ransom, South High School Literacy Champion; Perla Navarrete, Heights High School Literacy Champion; Darryl Carrington; Jonathon Westbrook, KAAAC; Rev. Bobby Love, KAAAC; Daphne Maxwell, KAAAC; and Miss Burkholter, page 224.

Senator Berger commended the Buhler High School girls bowling team for winning the 2019 Kansas State High School Activities Association (KSHSAA) Class 5-1A State Bowling Championship, page 224.

Senator Hardy recognized and acknowledged the contributions of Altrusa International in Salina, page 224.

Senator Longbine congratulated and commended the 2019 Kansas Master Teachers: Paula Barr, a second-grade teacher at Quail Run Elementary School in Lawrence; Dedra Braxmeyer, a mathematics teacher at Manhattan High School in Manhattan; Laura Gaughan, an elementary reading specialist at O'Loughlin Elementary School in Hays; Michelle Hilliard, a mathematics teacher at Complete High School in Maize; Lisa Jarvis, language arts teacher at Council Grove Junior-Senior High School in Council Grove; Carolyn Phalen, first-grade teacher at Grace E. Stewart Elementary School in Salina; and Linda Vena, elementary reading specialist at Mission Trail Elementary School in Leawood, page 230.

Senators Bowers, Alley, Baumgardner, Berger, Billinger, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware and Wilborn recognized World Down Syndrome Day in Kansas, page 231.

Senator Berger recognized the Boys and Girls Clubs of Kansas for the outstanding services they provide to young people and their families, page 232.

Senator Masterson, on behalf of Senator Estes, recognized Military Appreciation Day at the Kansas Capitol, page 232.

Senator Doll introduced a resolution requesting the federal government address water quality issues in the Arkansas River Basin in Southeast Colorado and Southwest Kansas and the prevalence of radionuclides in the waters of the Arkansas River Basin, page 233.

Senator Goddard congratulated and commended the Coffeyville Community College women's volleyball team for winning the 2018 NJCAA Division II National Championship, their second consecutive NJCAA Division II National Championship. Head Coach Delice Downing was awarded the 2018 Tachikara NJCAA Division II Coach of the Year, the 2018 Coach of the Tournament, and named one of the American Volleyball Coaches Association Two-Year Midwest Region Coaches of the Year. Three players were named to the 2018 NJCAA Division II All-American First Team: Sophomore Dekyra Dennis, sophomore Adianez Reyes Rivera, and freshman Seliann Rodriguez. Seliann Rodriguez and Dekyra Dennis were also named to the all-tournament team. Adianez Reyes Rivera was named the 2018 tournament MVP and the NJCAA Division II National Player of the Year, page 235.

Senators Billinger, Alley, Baumgardner, Berger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen,

Petty, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware and Wilborn honored the 70th anniversary of the Kansas Commission on Disability Concerns, page 342.

Senators Billinger, Alley, Baumgardner, Berger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Petty, Rucker, Skubal, Suellentrop, Sykes, Taylor, Wagle, Ware and Wilborn recognizing April 2, 2019, as National Service Recognition Day at the Capitol, page 344.

Senators Petty and Taylor recognizing April as Child Abuse Prevention Month, page 352.

Senator Petty recognized the Merriam Park Elementary and the Shawnee Mission School District's Health Partnership School-Based Clinic on their 1st anniversary of providing primary care to local students, page 352.

Senator Rucker honored the Washburn Rural High School girls basketball team for their outstanding performance at the 2019 Kansas State High School Activities Association Girls Class 6A State Basketball Championship. Members of the roster include Carly Bachelor, Campbell Bagshaw, Riley Bagshaw, Katelynn Brogan, Lakota Conklin, Shelby Ebert, Kasey Hamilton, Emma Krueger, Shelbey Wichman, Sheriden Wichman and Trenna Whitmore, with Taylor Brunton, Ella Hurtig, Jessica Jones, Hannah Munstermann, Cale Scheck and Austin Weast as managers. Coaching staff includes head coach Kevin Bordewick and assistant coaches Taylor Dunham, Tricia Vogel and Alexandra Wampfler, page 357.

Senator Wagle introduced guest Chaplain, Reverend Keith Philips, First Presbyterian Church, Salina and guest of Senator Hardy, who delivered the invocation, page 360.

Senator Faust-Goudeau honored the men of the Kansas Prince Hall Shriners Temple and the women of its auxiliary, the Imperial Court, page 362.

Senator Faust-Goudeau honored the men of the Prince Hall Grand Lodge of Kansas and the women of its auxiliary, the Eastern Stars of the Kansas Prince Hall Grand Chapter. Guests recognized were Hon. Wilbur J. Brown, Most Worshipful Grand Master; Joe H. Barner, Sr., Imperial Deputy of the Desert of Kansas; Sis. Eddie J. Waller, Grand Worthy Matron; Dt. Annie L. Long, Imperial Deputy for the Desert of Kansas; Bro. Terry Winbush, Sr., Right Worshipful Deputy Grand Master; Sis. Crystal E. Brown, Associate Grand Matron; Bro. George M. McCain, Jr., Grand Worthy Patron; Jesse L. Hill, Jr., Imperial Deputy of the Oasis of Wichita; Dt. Pearl L. Mitchell, the Illustrious Commandress of Emith Court #18; Dt. Zetta M. Sims, Imperial Deputy for the Oasis of Wichita; Chad M. R. Thomas, the Illustrious Potentate of Emith Temple #30; Theodore R. Mitchell, Advisor to the Daughters/Past Potentate; James S. Webb, Advisor to the Daughters/Past Potentate; and Dt. Rosie L. Webb, Imperial Directress-Past Commandress Exaltation., page 363.

Senator Haley rose on a Point of Personal Privilege to deliver remarks on the Occasion of the Anniversary Date of the Assassination of the Reverend Doctor Martin Luther King, Junior, page 364.

Senator Sykes honored the 125th anniversary of Goodwill of Western Missouri and Eastern Kansas, page 593.

Senator Lynn congratulated and commended the Olathe Northwest High School Raven Dance Team, their coaches, parents, family members, administrators, faculty and Olathe Northwest for the team's 2019 National Dance Alliance High School National Championship. The Raven Dance Team is led by Head Coach Shannon Summers and Assistant Coaches Alison Krumbiegel and McKenzi Mispagel. Members of the team

include Mia Barkyoumb, Avery Boland, Maleah Boyd, Samantha Clark, Ava Clayton, Mady Cole, Kennedi Dyro, Kirstyn Gaupp, Bailey Haines, Megan Kiekbusch, Maddie Lowen, Claire Maddox, Brooke Mason, Sydney Morse, Alex Privat, Grace Rasmussen, Rose Rasmussen, Kaitlyn Rose, Maddy Samuelson, Lauren Sanford, Haley Scalabrin, Ellie Smajda, Layne Steffen, Emma Thelen, Olivia Thomas, Carley Uhl, and Olivia Whitenack, page 597.

Senator Holland honored the outstanding achievements of William James "Bill" Noble one of the most successful race car drivers in Sports Car Club of America (SCCA) history, achieving five SCCA National Championships and 13 podium finishes over the course of his career; page 665.

Senators Alley, Holland and Wagle recognized Tom Hedrick for his accomplished and outstanding sports broadcasting career of over 60 years, page 666.

Senator Lynn recognized Rick Riggs for his many years of service and dedication to the State of Kansas, page 667.

Senator Faust-Goudeau rose on a Point of Personal Privilege to recognize guests who were in Kansas for the 100th Annual USBC National Bowling Tournament: Rhonda Golden, Linn Rubley, and Peggy Meier, page 669.

Senators Hensley and Wagle recognized Raney L. Gilliland for his many years of service and dedication to the Kansas Legislature and the State of Kansas, page 754.

Senator Hardy honored the 150th anniversary of Abilene, Kansas, page 1136.

JOINT RULES

Joint Rules for the Senate and House Representatives for the 2019-2020 biennium, **SCR 1603**, introduced and adopted, page 7.

SPECIAL REPORTS

Majority Party Caucus report from Senator Jim Denning, Chairperson, submitting the name of Senator Mike Petersen as Assistant Majority Leader, page 3.

Minority Party Caucus report from Senator Tom Hawk, Chairperson, submitting names of officers of the Minority Party, page 3.

SPECIAL ANNOUNCEMENT

President Wagle announced the formation of the **Senate Select Committee on Healthcare Access**. Senators serving on this 13 member committee will be announced at a later date, page 1136.

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SR 1708 Honoring the Kansas Farm Bureau.
SR 1710 Congratulating and commending the individuals selected as award-winning educators in Kansas.
SR 1715 Recognizing the members of Delta Sigma Theta Sorority, Inc.
SR 1718 Recognizing the Kansas Small Business Development Center's 2019 Businesses of the Year.
SR 1719 Honoring the 100th anniversary of the American Legion posts in Kansas.
SR 1721 Condemning the declaration of a "national emergency" by the president of the United States.
SR 1726 Recognizing World Down Syndrome Day in Kansas.
SR 1732 Recognizing national service day at the capitol.
SR 1733 Honoring the 70th anniversary of the Kansas commission on disability concerns.

Hardy, Randall

- SB 84 Amending the Kansas act against discrimination to include sexual orientation and gender identity or expression.
SB 135 Adding certain counties to the list of eligible rural opportunity zone counties.
SB 140 Establishing an income tax credit for contributions to the Eisenhower foundation.

- SB 150 Enacting housing protections for victims of domestic violence, sexual assault, human trafficking or stalking.
- SCR 1606 Condemning the reproductive health act of New York.
- SR 1707 Recognizing February 7, 2019, as JAG-K Day at the Capitol.
- SR 1708 Honoring the Kansas Farm Bureau.
- SR 1712 Recognizing September 1–7, 2019, as Resiliency Week in Kansas.
- SR 1714 Honoring the 150th anniversary of Lindsborg, Kansas.
- SR 1719 Honoring the 100th anniversary of the American Legion posts in Kansas.
- SR 1725 Recognizing the contributions of Altrusa International.
- SR 1726 Recognizing World Down Syndrome Day in Kansas.
- SR 1732 Recognizing national service day at the capitol.
- SR 1733 Honoring the 70th anniversary of the Kansas commission on disability concerns.
- SR 1745 Honoring the 150th anniversary of Abilene, Kansas.

Hawk, Tom

- SB 7 Moving school board officer elections and organizations from July to January.
- SB 43 Elections; registration; election day registration.
- SB 51 Governmental ethics: two-year restriction on lobbying by former elected and appointed state officials.
- SB 52 Due process for terminating teachers' contracts.
- SB 84 Amending the Kansas act against discrimination to include sexual orientation and gender identity or expression.
- SB 91 Establishing the golden years homestead property tax freeze act providing refund for certain increases in residential property taxes and allowing homestead property tax refund for renters.
- SB 92 Workers compensation impairment determination; use of AMA guidelines.
- SB 113 Providing for the legal use of medical cannabis.
- SB 125 Extending the eligible time period for rural opportunity zones loan repayment program and income tax credit.
- SB 141 Increasing the minimum wage.
- SB 146 Allowing injured workers who receive social security to keep the full amount of their workers compensation benefits.
- SB 150 Enacting housing protections for victims of domestic violence, sexual assault, human trafficking or stalking.
- SB 180 Enacting the Kansas buy American act.
- SR 1707 Recognizing February 7, 2019, as JAG-K Day at the Capitol.
- SR 1708 Honoring the Kansas Farm Bureau.
- SR 1718 Recognizing the Kansas Small Business Development Center's 2019 Businesses of the Year.
- SR 1719 Honoring the 100th anniversary of the American Legion posts in Kansas.
- SR 1726 Recognizing World Down Syndrome Day in Kansas.
- SR 1732 Recognizing national service day at the capitol.
- SR 1733 Honoring the 70th anniversary of the Kansas commission on disability concerns.

Hensley, Anthony

- SB 3 Election commissioners of large counties to be appointed by board of county commissioners instead of by secretary of state.
- SB 4 Establishing the Kansas objections board.
- SB 43 Elections; registration; election day registration.
- SB 51 Governmental ethics: two-year restriction on lobbying by former elected and appointed state officials.
- SB 52 Due process for terminating teachers' contracts.
- SB 84 Amending the Kansas act against discrimination to include sexual orientation and gender identity or expression.
- SB 92 Workers compensation impairment determination; use of AMA guidelines.
- SB 141 Increasing the minimum wage.
- SB 146 Allowing injured workers who receive social security to keep the full amount of their workers compensation benefits.
- SB 150 Enacting housing protections for victims of domestic violence, sexual assault, human trafficking or stalking.
- SB 180 Enacting the Kansas buy American act.
- SCR 1602 Appointment of committee to inform the Governor that the two House of the Legislature are organized and ready to receive communications.
- SCR 1603 Joint rules for the Senate and House of Representatives, 2019-2020 biennium.
- SCR 1607 First adjournment of the Senate and House of Representatives for a period of time during the 2019 regular session of the Legislature.
- SCR 1612 Adjournment of 2019 Legislature until May 1, 2019.
- SR 1701 Organization of the Senate, 2019 session.
- SR 1702 Assignment of seats in Senate, 2019 session.
- SR 1707 Recognizing February 7, 2019, as JAG-K Day at the Capitol.
- SR 1708 Honoring the Kansas Farm Bureau.
- SR 1709 Congratulating and commending 2018 Milken Educator Award winner Linda Dishman.
- SR 1719 Honoring the 100th anniversary of the American Legion posts in Kansas.
- SR 1720 Commemorating Mildred N. McCreight's 100th birthday.
- SR 1726 Recognizing World Down Syndrome Day in Kansas.
- SR 1732 Recognizing national service day at the capitol.
- SR 1733 Honoring the 70th anniversary of the Kansas commission on disability concerns.
- SR 1744 Recognizing Raney L. Gilliland for his many years of service and dedication to the State of Kansas.

Hilderbrand, Richard

- SB 9 Authorizing the transfer of \$115,000,000 from the state general fund to the Kansas public employees retirement fund during fiscal year 2019.
- SB 13 Increasing and allowing Kansas itemized deductions, allowing individual expensing deduction, providing for certain income tax credits, allowing rural opportunity zone for certain counties, extending certain counties countywide retailers' sales tax, providing for sales tax definitions and exemptions for certain sales.
- SB 125 Extending the eligible time period for rural opportunity zones loan repayment program and income tax credit.

- SB 135 Adding certain counties to the list of eligible rural opportunity zone counties.
- SB 150 Enacting housing protections for victims of domestic violence, sexual assault, human trafficking or stalking.
- SB 157 Creating a presumption in favor of shared parenting time for temporary orders.
- SB 167 Requiring notification to patients that the effects of a medication abortion may be reversible.
- SCR 1601 Constitutional amendment eliminating transfers from the state highway fund.
- SCR 1606 Condemning the reproductive health act of New York.
- SCR 1611 Urging the U.S. Census Bureau to conduct a complete and thorough 2020 Census by collecting data on residency and citizenship.
- SR 1705 Congratulating and commending Angela Hamilton of Sedgwick County EMS.
- SR 1707 Recognizing February 7, 2019, as JAG-K Day at the Capitol.
- SR 1708 Honoring the Kansas Farm Bureau.
- SR 1710 Congratulating and commending the individuals selected as award-winning educators in Kansas.
- SR 1712 Recognizing September 1–7, 2019, as Resiliency Week in Kansas.
- SR 1718 Recognizing the Kansas Small Business Development Center's 2019 Businesses of the Year.
- SR 1719 Honoring the 100th anniversary of the American Legion posts in Kansas.
- SR 1726 Recognizing World Down Syndrome Day in Kansas.
- SR 1731 Calling for the immediate resignation of District Court Judge Jeffry Jack of the 11th Judicial District.
- SR 1732 Recognizing national service day at the capitol.
- SR 1733 Honoring the 70th anniversary of the Kansas commission on disability concerns.

Holland, Tom

- SB 37 Requiring a duly ordained minister of religion or an employee of or volunteer for a religious organization to report certain abuse and neglect of children.
- SB 43 Elections; registration; election day registration.
- SB 51 Governmental ethics: two-year restriction on lobbying by former elected and appointed state officials.
- SB 52 Due process for terminating teachers' contracts.
- SB 53 Designating the official red and white wine grapes of Kansas.
- SB 57 Requiring review of information technology contracts by the joint committee on information technology.
- SB 59 Eudora community library district act.
- SB 64 Requiring the attorney general to carry out certain duties related to investigating sexual abuse committed by a minister of religion.
- SB 65 Requiring the attorney general to carry out certain duties related to investigating corruption committed by a public officer or public employee.
- SB 84 Amending the Kansas act against discrimination to include sexual orientation and gender identity or expression.
- SB 91 Establishing the golden years homestead property tax freeze act providing refund for certain increases in residential property taxes and allowing homestead property tax refund for renters.
- SB 92 Workers compensation impairment determination; use of AMA guidelines.
- SB 110 Requiring the Kansas department of health and environment and the Kansas department of agriculture to conduct a health impact assessment of confined animal feeding operations for chickens.

- SB 111 Requiring counties to approve the establishment of a poultry confinement facility and establishing the procedures therefor.
- SB 112 Requiring counties to approve the establishment of a poultry production or poultry slaughter facility and establishing the procedures therefor.
- SB 113 Providing for the legal use of medical cannabis.
- SB 141 Increasing the minimum wage.
- SB 146 Allowing injured workers who receive social security to keep the full amount of their workers compensation benefits.
- SB 150 Enacting housing protections for victims of domestic violence, sexual assault, human trafficking or stalking.
- SB 157 Creating a presumption in favor of shared parenting time for temporary orders.
- SB 180 Enacting the Kansas buy American act.
- SR 1707 Recognizing February 7, 2019, as JAG-K Day at the Capitol.
- SR 1710 Congratulating and commending the individuals selected as award-winning educators in Kansas.
- SR 1711 Designating Baldwin City as the Quilt Capital of Kansas.
- SR 1717 Congratulating and commending Dr. Kent and Olga Porter for their indomitable commitment and outstanding achievement in the restoration of the historic Stonehaven Farm.
- SR 1718 Recognizing the Kansas Small Business Development Center's 2019 Businesses of the Year.
- SR 1719 Honoring the 100th anniversary of the American Legion posts in Kansas.
- SR 1726 Recognizing World Down Syndrome Day in Kansas.
- SR 1732 Recognizing national service day at the capitol.
- SR 1733 Honoring the 70th anniversary of the Kansas commission on disability concerns.
- SR 1741 Honoring William Noble
- SR 1742 Recognizing Tom Hedrick and his sports broadcasting career.

Kerschen, Dan

- SB 9 Authorizing the transfer of \$115,000,000 from the state general fund to the Kansas public employees retirement fund during fiscal year 2019.
- SB 150 Enacting housing protections for victims of domestic violence, sexual assault, human trafficking or stalking.
- SB 167 Requiring notification to patients that the effects of a medication abortion may be reversible.
- SCR 1604 Proposition to amend section 1 of the Kansas bill of rights regarding equal rights for all human life.
- SCR 1606 Condemning the reproductive health act of New York.
- SCR 1611 Urging the U.S. Census Bureau to conduct a complete and thorough 2020 Census by collecting data on residency and citizenship.
- SR 1707 Recognizing February 7, 2019, as JAG-K Day at the Capitol.
- SR 1708 Honoring the Kansas Farm Bureau.
- SR 1710 Congratulating and commending the individuals selected as award-winning educators in Kansas.
- SR 1712 Recognizing September 1–7, 2019, as Resiliency Week in Kansas.
- SR 1718 Recognizing the Kansas Small Business Development Center's 2019 Businesses of the Year.
- SR 1719 Honoring the 100th anniversary of the American Legion posts in Kansas.
- SR 1726 Recognizing World Down Syndrome Day in Kansas.

- SR 1732 Recognizing national service day at the capitol.
- SR 1733 Honoring the 70th anniversary of the Kansas commission on disability concerns.

Longbine, Jeff

- SB 125 Extending the eligible time period for rural opportunity zones loan repayment program and income tax credit.
- SB 150 Enacting housing protections for victims of domestic violence, sexual assault, human trafficking or stalking.
- SB 157 Creating a presumption in favor of shared parenting time for temporary orders.
- SB 167 Requiring notification to patients that the effects of a medication abortion may be reversible.
- SCR 1603 Joint rules for the Senate and House of Representatives, 2019-2020 biennium.
- SCR 1606 Condemning the reproductive health act of New York.
- SR 1705 Congratulating and commending Angela Hamilton of Sedgwick County EMS.
- SR 1707 Recognizing February 7, 2019, as JAG-K Day at the Capitol.
- SR 1708 Honoring the Kansas Farm Bureau.
- SR 1710 Congratulating and commending the individuals selected as award-winning educators in Kansas.
- SR 1712 Recognizing September 1–7, 2019, as Resiliency Week in Kansas.
- SR 1716 Recognizing the Kansas Athletic Trainers' Society and the profession of athletic training in Kansas.
- SR 1718 Recognizing the Kansas Small Business Development Center's 2019 Businesses of the Year.
- SR 1719 Honoring the 100th anniversary of the American Legion posts in Kansas.
- SR 1724 Congratulating and commending the 2019 Kansas Master Teachers.
- SR 1726 Recognizing World Down Syndrome Day in Kansas.
- SR 1732 Recognizing national service day at the capitol.
- SR 1733 Honoring the 70th anniversary of the Kansas commission on disability concerns.

Lynn, Julia

- SB 9 Authorizing the transfer of \$115,000,000 from the state general fund to the Kansas public employees retirement fund during fiscal year 2019.
- SB 13 Increasing and allowing Kansas itemized deductions, allowing individual expensing deduction, providing for certain income tax credits, allowing rural opportunity zone for certain counties, extending certain counties countywide retailers' sales tax, providing for sales tax definitions and exemptions for certain sales.
- SB 53 Designating the official red and white wine grapes of Kansas.
- SB 91 Establishing the golden years homestead property tax freeze act providing refund for certain increases in residential property taxes and allowing homestead property tax refund for renters.
- SB 167 Requiring notification to patients that the effects of a medication abortion may be reversible.
- SCR 1606 Condemning the reproductive health act of New York.
- SCR 1611 Urging the U.S. Census Bureau to conduct a complete and thorough 2020 Census by collecting data on residency and citizenship.

- SR 1703 Congratulating and commending the members of the 2019 Kansas teacher of the year team.
- SR 1707 Recognizing February 7, 2019, as JAG-K Day at the Capitol.
- SR 1708 Honoring the Kansas Farm Bureau.
- SR 1710 Congratulating and commending the individuals selected as award-winning educators in Kansas.
- SR 1719 Honoring the 100th anniversary of the American Legion posts in Kansas.
- SR 1726 Recognizing World Down Syndrome Day in Kansas.
- SR 1731 Calling for the immediate resignation of District Court Judge Jeffry Jack of the 11th Judicial District.
- SR 1732 Recognizing national service day at the capitol.
- SR 1733 Honoring the 70th anniversary of the Kansas commission on disability concerns.
- SR 1740 Congratulating and commending the Olathe Northwest High School Raven Dance Team for winning the 2019 National Dance Alliance high school national championship.
- SR 1743 Recognizing Rick Riggs' service to the State of Kansas.

Masterson, Ty

- SB 9 Authorizing the transfer of \$115,000,000 from the state general fund to the Kansas public employees retirement fund during fiscal year 2019.
- SB 13 Increasing and allowing Kansas itemized deductions, allowing individual expensing deduction, providing for certain income tax credits, allowing rural opportunity zone for certain counties, extending certain counties countywide retailers' sales tax, providing for sales tax definitions and exemptions for certain sales.
- SB 125 Extending the eligible time period for rural opportunity zones loan repayment program and income tax credit.
- SB 167 Requiring notification to patients that the effects of a medication abortion may be reversible.
- SCR 1606 Condemning the reproductive health act of New York.
- SCR 1611 Urging the U.S. Census Bureau to conduct a complete and thorough 2020 Census by collecting data on residency and citizenship.
- SR 1707 Recognizing February 7, 2019, as JAG-K Day at the Capitol.
- SR 1712 Recognizing September 1–7, 2019, as Resiliency Week in Kansas.
- SR 1719 Honoring the 100th anniversary of the American Legion posts in Kansas.
- SR 1726 Recognizing World Down Syndrome Day in Kansas.
- SR 1731 Calling for the immediate resignation of District Court Judge Jeffry Jack of the 11th Judicial District.
- SR 1732 Recognizing national service day at the capitol.
- SR 1733 Honoring the 70th anniversary of the Kansas commission on disability concerns.

McGinn, Carolyn

- SB 53 Designating the official red and white wine grapes of Kansas.
- SB 84 Amending the Kansas act against discrimination to include sexual orientation and gender identity or expression.
- SB 150 Enacting housing protections for victims of domestic violence, sexual assault, human trafficking or stalking.

- SCR 1606 Condemning the reproductive health act of New York.
- SR 1706 Recognizing Jack Whitson's dedicated service to Park City.
- SR 1707 Recognizing February 7, 2019, as JAG-K Day at the Capitol.
- SR 1708 Honoring the Kansas Farm Bureau.
- SR 1718 Recognizing the Kansas Small Business Development Center's 2019 Businesses of the Year.
- SR 1719 Honoring the 100th anniversary of the American Legion posts in Kansas.
- SR 1726 Recognizing World Down Syndrome Day in Kansas.
- SR 1732 Recognizing national service day at the capitol.
- SR 1733 Honoring the 70th anniversary of the Kansas commission on disability concerns.

Miller, Vic

- SB 43 Elections; registration; election day registration.
- SB 51 Governmental ethics: two-year restriction on lobbying by former elected and appointed state officials.
- SB 52 Due process for terminating teachers' contracts.
- SB 84 Amending the Kansas act against discrimination to include sexual orientation and gender identity or expression.
- SB 113 Providing for the legal use of medical cannabis.
- SB 141 Increasing the minimum wage.
- SB 146 Allowing injured workers who receive social security to keep the full amount of their workers compensation benefits.
- SB 149 Facilitating voter registration by providing certificates of birth for applicants to evidence citizenship upon their consent.
- SB 150 Enacting housing protections for victims of domestic violence, sexual assault, human trafficking or stalking.
- SB 158 Designating the state dance as the polka.
- SB 180 Enacting the Kansas buy American act.
- SR 1707 Recognizing February 7, 2019, as JAG-K Day at the Capitol.
- SR 1708 Honoring the Kansas Farm Bureau.
- SR 1713 Honoring Washburn Rural high school.
- SR 1718 Recognizing the Kansas Small Business Development Center's 2019 Businesses of the Year.
- SR 1719 Honoring the 100th anniversary of the American Legion posts in Kansas.
- SR 1726 Recognizing World Down Syndrome Day in Kansas.

Olson, Robert

- SB 9 Authorizing the transfer of \$115,000,000 from the state general fund to the Kansas public employees retirement fund during fiscal year 2019.
- SB 13 Increasing and allowing Kansas itemized deductions, allowing individual expensing deduction, providing for certain income tax credits, allowing rural opportunity zone for certain counties, extending certain counties countywide retailers' sales tax, providing for sales tax definitions and exemptions for certain sales.
- SB 125 Extending the eligible time period for rural opportunity zones loan repayment program and income tax credit.
- SB 135 Adding certain counties to the list of eligible rural opportunity zone counties.

- SB 150 Enacting housing protections for victims of domestic violence, sexual assault, human trafficking or stalking.
- SB 157 Creating a presumption in favor of shared parenting time for temporary orders.
- SB 167 Requiring notification to patients that the effects of a medication abortion may be reversible.
- SCR 1606 Condemning the reproductive health act of New York.
- SCR 1611 Urging the U.S. Census Bureau to conduct a complete and thorough 2020 Census by collecting data on residency and citizenship.
- SR 1705 Congratulating and commending Angela Hamilton of Sedgwick County EMS.
- SR 1707 Recognizing February 7, 2019, as JAG-K Day at the Capitol.
- SR 1708 Honoring the Kansas Farm Bureau.
- SR 1710 Congratulating and commending the individuals selected as award-winning educators in Kansas.
- SR 1712 Recognizing September 1–7, 2019, as Resiliency Week in Kansas.
- SR 1719 Honoring the 100th anniversary of the American Legion posts in Kansas.
- SR 1726 Recognizing World Down Syndrome Day in Kansas.
- SR 1731 Calling for the immediate resignation of District Court Judge Jeffry Jack of the 11th Judicial District.
- SR 1732 Recognizing national service day at the capitol.
- SR 1733 Honoring the 70th anniversary of the Kansas commission on disability concerns.

Petersen, Mike

- SB 9 Authorizing the transfer of \$115,000,000 from the state general fund to the Kansas public employees retirement fund during fiscal year 2019.
- SB 13 Increasing and allowing Kansas itemized deductions, allowing individual expensing deduction, providing for certain income tax credits, allowing rural opportunity zone for certain counties, extending certain counties countywide retailers' sales tax, providing for sales tax definitions and exemptions for certain sales.
- SB 57 Requiring review of information technology contracts by the joint committee on information technology.
- SB 125 Extending the eligible time period for rural opportunity zones loan repayment program and income tax credit.
- SB 135 Adding certain counties to the list of eligible rural opportunity zone counties.
- SB 157 Creating a presumption in favor of shared parenting time for temporary orders.
- SB 167 Requiring notification to patients that the effects of a medication abortion may be reversible.
- SCR 1606 Condemning the reproductive health act of New York.
- SR 1705 Congratulating and commending Angela Hamilton of Sedgwick County EMS.
- SR 1707 Recognizing February 7, 2019, as JAG-K Day at the Capitol.
- SR 1708 Honoring the Kansas Farm Bureau.
- SR 1712 Recognizing September 1–7, 2019, as Resiliency Week in Kansas.
- SR 1718 Recognizing the Kansas Small Business Development Center's 2019 Businesses of the Year.
- SR 1719 Honoring the 100th anniversary of the American Legion posts in Kansas.
- SR 1726 Recognizing World Down Syndrome Day in Kansas.
- SR 1731 Calling for the immediate resignation of District Court Judge Jeffry Jack of the 11th Judicial District.

- SR 1732 Recognizing national service day at the capitol.
- SR 1733 Honoring the 70th anniversary of the Kansas commission on disability concerns.

Petty, Pat

- SB 43 Elections; registration; election day registration.
- SB 51 Governmental ethics: two-year restriction on lobbying by former elected and appointed state officials.
- SB 52 Due process for terminating teachers' contracts.
- SB 84 Amending the Kansas act against discrimination to include sexual orientation and gender identity or expression.
- SB 91 Establishing the golden years homestead property tax freeze act providing refund for certain increases in residential property taxes and allowing homestead property tax refund for renters.
- SB 92 Workers compensation impairment determination; use of AMA guidelines.
- SB 113 Providing for the legal use of medical cannabis.
- SB 141 Increasing the minimum wage.
- SB 150 Enacting housing protections for victims of domestic violence, sexual assault, human trafficking or stalking.
- SB 180 Enacting the Kansas buy American act.
- SR 1703 Congratulating and commending the members of the 2019 Kansas teacher of the year team.
- SR 1707 Recognizing February 7, 2019, as JAG-K Day at the Capitol.
- SR 1708 Honoring the Kansas Farm Bureau.
- SR 1710 Congratulating and commending the individuals selected as award-winning educators in Kansas.
- SR 1718 Recognizing the Kansas Small Business Development Center's 2019 Businesses of the Year.
- SR 1719 Honoring the 100th anniversary of the American Legion posts in Kansas.
- SR 1726 Recognizing World Down Syndrome Day in Kansas.
- SR 1732 Recognizing national service day at the capitol.
- SR 1733 Honoring the 70th anniversary of the Kansas commission on disability concerns.
- SR 1734 Recognizing April as child abuse prevention month.
- SR 1735 Recognizing the Merriam Park elementary and the Shawnee Mission school district's health partnership school-based clinic.

Pilcher-Cook, Mary

- SB 9 Authorizing the transfer of \$115,000,000 from the state general fund to the Kansas public employees retirement fund during fiscal year 2019.
- SB 167 Requiring notification to patients that the effects of a medication abortion may be reversible.
- SCR 1606 Condemning the reproductive health act of New York.
- SCR 1611 Urging the U.S. Census Bureau to conduct a complete and thorough 2020 Census by collecting data on residency and citizenship.
- SR 1703 Congratulating and commending the members of the 2019 Kansas teacher of the year team.
- SR 1707 Recognizing February 7, 2019, as JAG-K Day at the Capitol.

- SR 1710 Congratulating and commending the individuals selected as award-winning educators in Kansas.
- SR 1719 Honoring the 100th anniversary of the American Legion posts in Kansas.
- SR 1726 Recognizing World Down Syndrome Day in Kansas.
- SR 1731 Calling for the immediate resignation of District Court Judge Jeffry Jack of the 11th Judicial District.
- SR 1733 Honoring the 70th anniversary of the Kansas commission on disability concerns.

Pyle, Dennis

- SB 125 Extending the eligible time period for rural opportunity zones loan repayment program and income tax credit.
- SB 135 Adding certain counties to the list of eligible rural opportunity zone counties.
- SB 167 Requiring notification to patients that the effects of a medication abortion may be reversible.
- SCR 1606 Condemning the reproductive health act of New York.
- SR 1703 Congratulating and commending the members of the 2019 Kansas teacher of the year team.
- SR 1705 Congratulating and commending Angela Hamilton of Sedgwick County EMS.
- SR 1707 Recognizing February 7, 2019, as JAG-K Day at the Capitol.
- SR 1710 Congratulating and commending the individuals selected as award-winning educators in Kansas.
- SR 1719 Honoring the 100th anniversary of the American Legion posts in Kansas.
- SR 1726 Recognizing World Down Syndrome Day in Kansas.
- SR 1731 Calling for the immediate resignation of District Court Judge Jeffry Jack of the 11th Judicial District.
- SR 1733 Honoring the 70th anniversary of the Kansas commission on disability concerns.

Rucker, Eric

- SB 9 Authorizing the transfer of \$115,000,000 from the state general fund to the Kansas public employees retirement fund during fiscal year 2019.
- SB 125 Extending the eligible time period for rural opportunity zones loan repayment program and income tax credit.
- SB 167 Requiring notification to patients that the effects of a medication abortion may be reversible.
- SCR 1606 Condemning the reproductive health act of New York.
- SCR 1611 Urging the U.S. Census Bureau to conduct a complete and thorough 2020 Census by collecting data on residency and citizenship.
- SR 1703 Congratulating and commending the members of the 2019 Kansas teacher of the year team.
- SR 1705 Congratulating and commending Angela Hamilton of Sedgwick County EMS.
- SR 1707 Recognizing February 7, 2019, as JAG-K Day at the Capitol.
- SR 1708 Honoring the Kansas Farm Bureau.
- SR 1710 Congratulating and commending the individuals selected as award-winning educators in Kansas.
- SR 1713 Honoring Washburn Rural high school.
- SR 1718 Recognizing the Kansas Small Business Development Center's 2019 Businesses of the Year.

- SR 1719 Honoring the 100th anniversary of the American Legion posts in Kansas.
- SR 1726 Recognizing World Down Syndrome Day in Kansas.
- SR 1732 Recognizing national service day at the capitol.
- SR 1733 Honoring the 70th anniversary of the Kansas commission on disability concerns.
- SR 1736 Honoring the Washburn Rural high school girls basketball team.

Skubal, John

- SB 43 Elections; registration; election day registration.
- SB 84 Amending the Kansas act against discrimination to include sexual orientation and gender identity or expression.
- SB 125 Extending the eligible time period for rural opportunity zones loan repayment program and income tax credit.
- SB 150 Enacting housing protections for victims of domestic violence, sexual assault, human trafficking or stalking.
- SB 157 Creating a presumption in favor of shared parenting time for temporary orders.
- SR 1705 Congratulating and commending Angela Hamilton of Sedgwick County EMS.
- SR 1707 Recognizing February 7, 2019, as JAG-K Day at the Capitol.
- SR 1708 Honoring the Kansas Farm Bureau.
- SR 1710 Congratulating and commending the individuals selected as award-winning educators in Kansas.
- SR 1718 Recognizing the Kansas Small Business Development Center's 2019 Businesses of the Year.
- SR 1719 Honoring the 100th anniversary of the American Legion posts in Kansas.
- SR 1726 Recognizing World Down Syndrome Day in Kansas.
- SR 1732 Recognizing national service day at the capitol.
- SR 1733 Honoring the 70th anniversary of the Kansas commission on disability concerns.

Suellentrop, Gene

- SB 9 Authorizing the transfer of \$115,000,000 from the state general fund to the Kansas public employees retirement fund during fiscal year 2019.
- SB 13 Increasing and allowing Kansas itemized deductions, allowing individual expensing deduction, providing for certain income tax credits, allowing rural opportunity zone for certain counties, extending certain counties countywide retailers' sales tax, providing for sales tax definitions and exemptions for certain sales.
- SB 125 Extending the eligible time period for rural opportunity zones loan repayment program and income tax credit.
- SB 157 Creating a presumption in favor of shared parenting time for temporary orders.
- SB 167 Requiring notification to patients that the effects of a medication abortion may be reversible.
- SCR 1606 Condemning the reproductive health act of New York.
- SCR 1611 Urging the U.S. Census Bureau to conduct a complete and thorough 2020 Census by collecting data on residency and citizenship.
- SR 1705 Congratulating and commending Angela Hamilton of Sedgwick County EMS.
- SR 1707 Recognizing February 7, 2019, as JAG-K Day at the Capitol.
- SR 1708 Honoring the Kansas Farm Bureau.

- SR 1710 Congratulating and commending the individuals selected as award-winning educators in Kansas.
- SR 1712 Recognizing September 1–7, 2019, as Resiliency Week in Kansas.
- SR 1719 Honoring the 100th anniversary of the American Legion posts in Kansas.
- SR 1726 Recognizing World Down Syndrome Day in Kansas.
- SR 1731 Calling for the immediate resignation of District Court Judge Jeffrey Jack of the 11th Judicial District.
- SR 1732 Recognizing national service day at the capitol.
- SR 1733 Honoring the 70th anniversary of the Kansas commission on disability concerns.

Sykes, Dinah

- SB 43 Elections; registration; election day registration.
- SB 51 Governmental ethics: two-year restriction on lobbying by former elected and appointed state officials.
- SB 52 Due process for terminating teachers' contracts.
- SB 84 Amending the Kansas act against discrimination to include sexual orientation and gender identity or expression.
- SB 91 Establishing the golden years homestead property tax freeze act providing refund for certain increases in residential property taxes and allowing homestead property tax refund for renters.
- SB 150 Enacting housing protections for victims of domestic violence, sexual assault, human trafficking or stalking.
- SB 180 Enacting the Kansas buy American act.
- SR 1703 Congratulating and commending the members of the 2019 Kansas teacher of the year team.
- SR 1707 Recognizing February 7, 2019, as JAG-K Day at the Capitol.
- SR 1708 Honoring the Kansas Farm Bureau.
- SR 1718 Recognizing the Kansas Small Business Development Center's 2019 Businesses of the Year.
- SR 1719 Honoring the 100th anniversary of the American Legion posts in Kansas.
- SR 1726 Recognizing World Down Syndrome Day in Kansas.
- SR 1732 Recognizing national service day at the capitol.
- SR 1733 Honoring the 70th anniversary of the Kansas commission on disability concerns.
- SR 1739 honoring the 125th anniversary of Goodwill of Western Missouri and Eastern Kansas.

Taylor, Mary

- SB 84 Amending the Kansas act against discrimination to include sexual orientation and gender identity or expression.
- SB 125 Extending the eligible time period for rural opportunity zones loan repayment program and income tax credit.
- SB 150 Enacting housing protections for victims of domestic violence, sexual assault, human trafficking or stalking.
- SB 157 Creating a presumption in favor of shared parenting time for temporary orders.
- SCR 1606 Condemning the reproductive health act of New York.
- SR 1703 Congratulating and commending the members of the 2019 Kansas teacher of the year team.

- SR 1707 Recognizing February 7, 2019, as JAG-K Day at the Capitol.
- SR 1708 Honoring the Kansas Farm Bureau.
- SR 1718 Recognizing the Kansas Small Business Development Center's 2019 Businesses of the Year.
- SR 1719 Honoring the 100th anniversary of the American Legion posts in Kansas.
- SR 1726 Recognizing World Down Syndrome Day in Kansas.
- SR 1732 Recognizing national service day at the capitol.
- SR 1733 Honoring the 70th anniversary of the Kansas commission on disability concerns.
- SR 1734 Recognizing April as child abuse prevention month.

Tyson, Caryn

- SB 9 Authorizing the transfer of \$115,000,000 from the state general fund to the Kansas public employees retirement fund during fiscal year 2019.
- SB 13 Increasing and allowing Kansas itemized deductions, allowing individual expensing deduction, providing for certain income tax credits, allowing rural opportunity zone for certain counties, extending certain counties countywide retailers' sales tax, providing for sales tax definitions and exemptions for certain sales.
- SB 167 Requiring notification to patients that the effects of a medication abortion may be reversible.
- SCR 1606 Condemning the reproductive health act of New York.
- SCR 1611 Urging the U.S. Census Bureau to conduct a complete and thorough 2020 Census by collecting data on residency and citizenship.
- SR 1705 Congratulating and commending Angela Hamilton of Sedgwick County EMS.
- SR 1707 Recognizing February 7, 2019, as JAG-K Day at the Capitol.
- SR 1708 Honoring the Kansas Farm Bureau.
- SR 1710 Congratulating and commending the individuals selected as award-winning educators in Kansas.
- SR 1718 Recognizing the Kansas Small Business Development Center's 2019 Businesses of the Year.
- SR 1719 Honoring the 100th anniversary of the American Legion posts in Kansas.
- SR 1726 Recognizing World Down Syndrome Day in Kansas.
- SR 1733 Honoring the 70th anniversary of the Kansas commission on disability concerns.

Wagle, Susan

- SB 150 Enacting housing protections for victims of domestic violence, sexual assault, human trafficking or stalking.
- SB 157 Creating a presumption in favor of shared parenting time for temporary orders.
- SB 167 Requiring notification to patients that the effects of a medication abortion may be reversible.
- SCR 1602 Appointment of committee to inform the Governor that the two House of the Legislature are organized and ready to receive communications.
- SCR 1603 Joint rules for the Senate and House of Representatives, 2019-2020 biennium.
- SCR 1606 Condemning the reproductive health act of New York.
- SCR 1607 First adjournment of the Senate and House of Representatives for a period of time during the 2019 regular session of the Legislature.

- SCR 1611 Urging the U.S. Census Bureau to conduct a complete and thorough 2020 Census by collecting data on residency and citizenship.
- SCR 1612 Adjournment of 2019 Legislature until May 1, 2019.
 - SR 1701 Organization of the Senate, 2019 session.
 - SR 1702 Assignment of seats in Senate, 2019 session.
- SR 1705 Congratulating and commending Angela Hamilton of Sedgwick County EMS.
- SR 1707 Recognizing February 7, 2019, as JAG-K Day at the Capitol.
- SR 1708 Honoring the Kansas Farm Bureau.
- SR 1718 Recognizing the Kansas Small Business Development Center's 2019 Businesses of the Year.
- SR 1719 Honoring the 100th anniversary of the American Legion posts in Kansas.
- SR 1726 Recognizing World Down Syndrome Day in Kansas.
- SR 1731 Calling for the immediate resignation of District Court Judge Jeffry Jack of the 11th Judicial District.
- SR 1732 Recognizing national service day at the capitol.
- SR 1733 Honoring the 70th anniversary of the Kansas commission on disability concerns.
- SR 1742 Recognizing Tom Hedrick and his sports broadcasting career.
- SR 1744 Recognizing Rancy L. Gilliland for his many years of service and dedication to the State of Kansas.

Ware, Mary

- SB 5 Enacting the Kansas reinvestment act.
- SB 43 Elections; registration; election day registration.
- SB 51 Governmental ethics: two-year restriction on lobbying by former elected and appointed state officials.
- SB 52 Due process for terminating teachers' contracts.
- SB 53 Designating the official red and white wine grapes of Kansas.
- SB 84 Amending the Kansas act against discrimination to include sexual orientation and gender identity or expression.
- SB 141 Increasing the minimum wage.
- SB 146 Allowing injured workers who receive social security to keep the full amount of their workers compensation benefits.
- SB 150 Enacting housing protections for victims of domestic violence, sexual assault, human trafficking or stalking.
- SB 180 Enacting the Kansas buy American act.
- SR 1707 Recognizing February 7, 2019, as JAG-K Day at the Capitol.
- SR 1708 Honoring the Kansas Farm Bureau.
- SR 1710 Congratulating and commending the individuals selected as award-winning educators in Kansas.
- SR 1718 Recognizing the Kansas Small Business Development Center's 2019 Businesses of the Year.
- SR 1719 Honoring the 100th anniversary of the American Legion posts in Kansas.
- SR 1726 Recognizing World Down Syndrome Day in Kansas.
- SR 1732 Recognizing national service day at the capitol.
- SR 1733 Honoring the 70th anniversary of the Kansas commission on disability concerns.

Wilborn, Rick

- SB 9 Authorizing the transfer of \$115,000,000 from the state general fund to the Kansas public employees retirement fund during fiscal year 2019.
- SB 13 Increasing and allowing Kansas itemized deductions, allowing individual expensing deduction, providing for certain income tax credits, allowing rural opportunity zone for certain counties, extending certain counties countywide retailers' sales tax, providing for sales tax definitions and exemptions for certain sales.
- SB 125 Extending the eligible time period for rural opportunity zones loan repayment program and income tax credit.
- SB 140 Establishing an income tax credit for contributions to the Eisenhower foundation.
- SB 150 Enacting housing protections for victims of domestic violence, sexual assault, human trafficking or stalking.
- SB 157 Creating a presumption in favor of shared parenting time for temporary orders.
- SB 167 Requiring notification to patients that the effects of a medication abortion may be reversible.
- SCR 1606 Condemning the reproductive health act of New York.
- SR 1705 Congratulating and commending Angela Hamilton of Sedgwick County EMS.
- SR 1707 Recognizing February 7, 2019, as JAG-K Day at the Capitol.
- SR 1708 Honoring the Kansas Farm Bureau.
- SR 1710 Congratulating and commending the individuals selected as award-winning educators in Kansas.
- SR 1712 Recognizing September 1–7, 2019, as Resiliency Week in Kansas.
- SR 1714 Honoring the 150th anniversary of Lindsborg, Kansas.
- SR 1719 Honoring the 100th anniversary of the American Legion posts in Kansas.
- SR 1726 Recognizing World Down Syndrome Day in Kansas.
- SR 1732 Recognizing national service day at the capitol.
- SR 1733 Honoring the 70th anniversary of the Kansas commission on disability concerns.

State Legislature, Senate Committees**(Various)***Agriculture and Natural Resources*

- SB 49 Authorizing the secretary of wildlife, parks and tourism to establish fees for cabins operated by the department and camping permits at state parks.
- SB 50 Amending the fee limitations for certain department of wildlife, parks and tourism licenses, permits, stamps and other issue.
- SB 117 Requirements for the treatment and transportation of diseased dogs and cats.
- SB 152 Authorizing the secretary of health and environment to collect underground injection control program fees and redirecting water well license program fees.
- SB 153 Providing for department of health and environment response operations for water and soil pollutant release, discharge or escape.
- SB 182 Providing for water measuring device inspections and limiting the liability of water right owners regarding water measuring devices and the use of water measuring device technicians.

Assessment and Taxation

- SB 47 Creating the student opportunity scholarship program.
- SB 123 Providing a sales tax exemption for kids need to eat, inc.
- SB 126 Exemption from income tax for certain public utilities.
- SB 127 Prohibiting certain utilities to recover income tax expenses through base rates approved by the state corporation commission.
- SB 175 Enacting the public employee right to choose act, providing public employees with the right of relief from the obligation to pay union dues through withholding of their wages.
- SB 176 Requiring the department of commerce to create a database of economic development incentive program information.
- SB 177 Providing the court of appeals jurisdiction to review final orders of the state board of tax appeals.
- SB 178 Sales tax exemption for nonprofit integrated community care organizations.
- SB 179 Increasing the married tax filer income threshold for the subtraction modification for social security income.
- SB 184 Sunsetting the food sales tax credit and enacting the food sales tax refund.
- SB 185 Increasing and allowing Kansas itemized deductions, allowing individual expensing deduction, providing for certain income tax credits, allowing rural opportunity zone for certain counties, extending certain counties countywide retailers' sales tax, providing for sales tax definitions and exemptions for certain sales.
- SB 196 Expanding the expense deduction to all taxpayers in addition to corporate taxpayers.
- SB 197 Reducing the sales tax rate on food and food ingredients.
- SB 201 Creating a property tax exemption for land associated with a dam or reservoir and subject to a mitigation easement.
- SB 218 Requiring a duly ordained minister of religion to report certain abuse and neglect of children.
- SB 224 Enacting the Kansas retail pet shop act.
- SB 235 Continuing 20 mill statewide levy for schools and exempting certain portion of property used for residential purposes from such levy.
- SB 236 Establishing new rate limitations for general purposes and special purposes for the countywide retailers' sales tax.
- SB 237 Designating a portion of K-16 as the John Lee Bremer memorial highway.
- SB 238 Privilege tax deduction for interest from certain business loans.
- SB 239 Imposing a tax on certain state credit unions for the privilege of doing business.

Commerce

- SB 26 Income tax credit for certain purchases of goods and services by a taxpayer from qualified vendors that provide employment to individuals who are blind or disabled.
- SB 27 Removing a restriction, for purposes of employment security law, on leasing of certain employees by client lessees of lessor employing units.
- SB 42 Amending the meaning of the terms "rebate" and "interest" as used in the real estate brokers' and salespersons' license act.
- SB 60 Amending Kansas real estate commission licensing provisions for brokers and sales persons.

- SB 90 Extending the tax credit under the center for entrepreneurship act to financial institutions and increasing the annual tax credit limit for all contributors.
- SB 168 Enacting the Kansas home inspectors professional competence and financial responsibility act.

Education

- SB 16 Authorizing school districts to expend at-risk education funds on evidence-based learning programs.
- SB 71 Eliminating the expiration of the postsecondary technical education authority and requiring a report to the legislature.
- SB 128 Requiring at least nine safety drills to be conducted by schools each year including fire, tornado and crisis drills.
- SB 148 Amending requirements for school district board requests for proposals for construction or repair projects.
- SB 156 Appropriations for the department of education for FY 2020; increasing the at-risk weighting; continuing the 20 mill statewide property tax levy for schools and exempting certain portion of property used for residential purposes from such levy.
- SB 199 Creating the AO-K to work program that allows certain adults to earn high school equivalency credentials by participating in career pathway oriented postsecondary classes.

Ethics, Elections and Local Government

- SB 105 Elections; cities; date for taking office.
- SB 116 Elections; recognition of political parties; petitions.
- SB 129 Allow voters to vote at any polling place within a county if approved by the county election officer.
- SB 130 Permit persons voting an advance ballot to correct a signature deficiency prior to the final canvass.
- SB 131 When township officials take the oath of office and the deadline for filing for municipal office when no primary is held.
- SB 132 Election offenses; electioneering crime changes.
- SCR 1605 Constitutional amendment; reapportionment, deleting requirement for adjustment of census data for military personnel and students.

Federal and State Affairs

- SB 22 Kansas itemized deductions, election, providing for deferred foreign income, global intangible low-taxed income, business interest, capital contributions and FDIC premiums income tax modifications.
- SB 23 Enacting the Kansas sports wagering act.
- SB 38 Unemployment benefits for privately contracted school bus drivers.
- SB 56 Requiring verification of certain hours billed by contractors under certain state contracts.
- SB 69 Requiring the state corporation commission to study electric rates and consider certain factors in establishing just and reasonable electric rates.
- SB 70 Allowing for temporary permits for the selling and serving of alcoholic liquor.
- SB 83 Increasing the credit to the EMS revolving fund from district court fines, penalties or forfeitures.

- SB 98 Amendments to the Kansas expanded lottery act relating to racetrack gaming and Wyandotte county horse racing.
- SB 99 Updating certain emergency medical services-related statutes.
- SB 114 Prisoner healthcare costs; payment; cities, counties and other governmental entities.
- SB 118 Protecting counties from debts or obligations of a county hospital upon its closure.
- SB 137 Required fee for entry into a sexually oriented business.
- SB 151 Increasing extent of property tax exemption from the statewide school levy for residential property to \$40,000 of its appraised valuation.
- SB 164 Making licenses issued by the division of alcoholic beverage control effective on the date stated on the license.
- SB 165 Changing terminology relating to the practice of podiatry.
- SB 174 Exempting all social security benefits from Kansas income tax.
- SB 181 Creating the Kansas energy policy task force to study electric utility services and energy policy issues in Kansas.
- SB 200 Increasing retirement benefit cap and decreasing employee contribution rate for members of the Kansas Police and Firemen's Retirement System in certain circumstances.
- SB 205 Allowing the secretary of revenue to designate individuals to administer the Kansas charitable gaming act.
- SB 206 Authorizing the state fire marshal to have law enforcement powers and to investigate fire deaths.
- SB 207 Exemption from alcoholic liquor enforcement tax for self-distribution of alcoholic liquor by microbreweries and microdistilleries.
- SB 211 Requiring the attorney general to appoint a Kansas youth suicide prevention coordinator.
- SB 212 Creating a Kansas victim information and notification everyday (VINE) coordinator within the office of the attorney general.
- SB 213 Clarifying the attorney general's legal representation duties related to the Kansas open meetings and records acts.
- SB 214 Allowing certain exceptions to the confidentiality of state child death review board documents.
- SB 215 Increasing penalties for domestic battery and amending child endangerment to include domestic battery in the presence of a child.
- SB 216 Allowing investment of state moneys in securities issued by Israel.
- SB 220 Licensure of professional occupations allowing certain persons with criminal or civil records that would otherwise disqualify such persons from licensure to receive a license; add state board of education to exempt agencies.
- SB 221 Allowing clubs and drinking establishments to sell beer and cereal malt beverage for consumption off the licensed premises.
- SB 222 Authorizing sports wagering under the Kansas expanded lottery act.
- SB 223 Providing for the licensure of anesthesiologist assistants.
- SB 226 The hours and days of sale of cereal malt beverage conform to the hours and days of sale for alcoholic liquor.
- SB 227 Adding provisions for human trafficking victims in the criminal defense of compulsion and changing provisions for expungement of adult and juvenile offenses committed by such victims.
- SB 229 Abolishing the capitol area plaza authority.
- SB 230 Clarifying the authority of the Kansas commission for the deaf and hard of

- hearing.
- SB 234 Requiring electronic prescriptions for controlled substances.
- SB 240 Amendments to the Kansas expanded lottery act relating to racetrack gaming and Wyandotte county horse racing deleting references to greyhound racing.
- SCR 1608 Kansas constitutional amendment; update language in the executive article.
- SCR 1610 Constitutional amendment revising article 3, relating to the judiciary; allowing the governor to appoint supreme court justices and court of appeals judges, subject to senate confirmation; abolishing the supreme court nominating commission.

Financial Institutions and Insurance

- SB 28 Updating the expiration date of risk-based capital instructions.
- SB 29 Providing for fully-insured association health plans.
- SB 30 Updating definitions relating to small employer health plans and association health plans.
- SB 31 Exempting certain association health plans from requirements pertaining to small employer health plans.
- SB 32 Exempting certain non-insurance healthcare benefits from the commissioner's jurisdiction.
- SB 33 Specifying the conditions under which a small employer carrier may establish certain classes of business.
- SB 34 Exempting health plans issued to associations of small employers from certain statutory provisions governing small employer health plans.
- SB 35 Providing for short-term, limited-duration health plans.
- SB 36 Making certain self-funded association health plans subject to the jurisdiction of the commissioner.
- SB 66 Exempting certain domestic insurers from filing enterprise risk reports.
- SB 67 Establishing the unclaimed life insurance benefits act.
- SB 82 Updating the state banking code.
- SB 109 Repealing the Kansas uninsurable health insurance plan act.
- SB 121 Permitting local eligible employers to affiliate with KP&F with regard to coverage of certain local corrections employees.

Judiciary

- SB 18 Providing a process for the attorney general to enter into diversion agreements.
- SB 19 Authorizing certain entities to access a criminal defendant's presentence investigation report.
- SB 20 Extending the judicial branch surcharge to fund the costs of non-judicial personnel.
- SB 45 Enhancing penalties for offenses causing death or serious bodily injury to public safety sector employees.
- SB 46 Creating a procedure for owner to recover misappropriated property from pawnbroker or precious metal dealer.
- SB 55 Enacting the uniform partition of heirs property act.
- SB 58 Granting immunity from civil liability to the person who files a grand jury petition.
- SB 77 Requiring the department for children and families to offer services to children with problem sexual behavior and to such child's family.

- SB 78 Regulating assignment of rights or benefits to a residential contractor under a property and casualty insurance policy insuring residential real estate.
- SB 80 Increasing the criminal penalty for criminal possession of a weapon by a felon and adding ammunition to the definition of weapon.
- SB 81 Changing penalties for crimes related to motor vehicles.
- SB 85 Authorizing staggered sentencing for certain offenders convicted of domestic battery.
- SB 86 Authorizing staggered sentencing for certain offenders convicted of driving under the influence.
- SB 87 Allowing certain persons with suspended drivers' licenses to enter into amnesty agreements with the district court.
- SB 88 Increasing the criminal penalties for violation of a protective order.
- SB 89 Modifying the membership and duties of the substance abuse policy board of the Kansas criminal justice coordinating council.
- SB 100 Amending residency restrictions for persons on transitional or conditional release under the Kansas sexually violent predator act.
- SB 101 Amending ignition interlock requirements for certain first time DUI-related offenses.
- SB 102 Creating the Kansas closed case task force, pertaining to identification and investigation of hits to the combined DNA index system (CODIS) in closed cases.
- SB 103 Increasing criminal penalties for hate crimes.
- SB 106 Directing the attorney general to seek damages for the state from any person who knowingly contributed to the wrongful conviction and imprisonment of a person and to prosecute ouster and criminal proceedings as warranted.
- SB 107 Modifying when attorney fees are awarded in certain actions against an insurance company.
- SB 108 Increasing criminal penalties for abuse of a child and involuntary manslaughter when the victim is under 6 years of age and making a presumption of unfitness against any parent convicted of either crime.
- SB 133 Clarifying when a receipt of property seized by law enforcement should be sent to the court and who seized weapons should be returned to.
- SB 134 Amending the crime of counterfeiting currency.
- SB 160 Requiring law enforcement officers investigating alleged domestic violence to give certain notices and conduct a lethality assessment.
- SB 161 Defining "primary aggressor" for domestic violence purposes.
- SB 166 Deeming children as foster children under the grandparents as caregivers act.
- SB 183 Creating the extreme risk protective order act.

Public Health and Welfare

- SB 48 Transportation arrangements prior to a funeral.
- SB 61 Amending podiatrist qualifications and scope of practice.
- SB 93 Establishing restrictions on the use of step therapy protocols by health insurance plans.
- SB 120 Providing for certain business entities to engage in the corporate practice of medicine.
- SB 122 Implementing medicaid and educational services for foster care youth and certain former foster care youth.
- SB 144 Allowing the use of expedited partner therapy to treat a sexually transmitted disease.

- SB 162 Requiring notification to the governor and legislature of missing foster care youth.
- SB 163 Requiring health insurance coverage for contraceptives.
- SB 193 Making amendments to behavioral sciences regulatory board licensing for certain professions.
- SB 194 Amending provisions related to the revised uniform anatomical gift act.
- SB 195 Enacting the Kansas safe access act.

Transportation

- SB 17 Requiring class M driver's licenses when operating a motorcycle registered under a temporary permit.
- SB 39 Compensation for warranty services under the vehicle dealers and manufacturers licensing act.
- SB 40 Removing expired warning provision for approach of an emergency vehicle traffic violation.
- SB 41 Clarifying that a violation of the statute requiring seat belt use is a traffic infraction.
- SB 62 Allowing police vehicle drivers to engage in certain actions without using audible and visual signals.
- SB 63 Allowing cities to authorize the use of transportation network company signs in vehicles.
- SB 79 Modifying left turn lane traffic requirements.
- SB 94 Establishing a minimum course duration for motor vehicle accident prevention courses.
- SB 97 Division of vehicles registering fleet vehicles.
- SB 136 Designating a bridge on United States highway 77 in Cowley county as the SGT Kevin Gilbertson veterans memorial bridge.
- SB 138 Designating a portion of United States highway 77 as the Capt. Donald Root Strother memorial highway.
- SB 139 Changing certain registration and title fees on vehicles and disposition of funds.

Utilities

- SB 24 Electric utilities and recovery of transmission costs.
- SB 68 Prohibiting cities from requiring a valid contract franchise ordinance for the provision of wireless telecommunications services.
- SB 145 Allowing the state corporation commission to regulate the rates of boards of public utilities after a customer petition.
- SB 169 Requiring deposit in the water program management fee fund of certain moneys received by the Kansas department of health and environment.
- SB 170 Requiring the fees and civil penalties collected by the Kansas department of health and environment under the asbestos control program to be deposited in the air quality fee fund.
- SB 171 Requirements for Kansas public water supply loans and lead level limitations for installation or repair to public water supply systems.
- SB 198 Authorizing the state corporation commission to issue securitized ratepayer-backed bonds for electric generation facilities.

Ways and Means

- SB 21 Abolishing the death penalty and creating the crime of aggravated murder.
- SB 44 Appropriations for the department of education for FY 2019, 2020 and 2021; increasing BASE aid for certain school years; continuing 20 mill statewide levy for schools and exempting certain portion of property used for residential purposes from such levy.
- SB 54 Establishing the KanCare bridge to a healthy Kansas program.
- SB 72 Supplemental appropriations for FY 2019, FY 2020, FY 2021, FY 2022, FY 2023 and FY 2024 for various state agencies.
- SB 73 Amortizing the state and school KPERs actuarial accrued liability over a 30-year period and eliminating certain level-dollar employer contribution payments.
- SB 74 Providing a post-retirement benefit increase (COLA) for certain KPERs retirees.
- SB 75 Appropriations for FY 2020, FY 2021 and FY 2022 for various state agencies.
- SB 76 Sales tax rate on food and food ingredients.
- SB 95 Transferring certain duties concerning substances to be administered in carrying out a sentence of death from the secretary of health and environment to the state board of pharmacy and state board of healing arts.
- SB 96 Requiring inspections of areas in a state correctional facility designated by the secretary of corrections for use in carrying out a sentence of death.
- SB 124 Prohibiting the state corporation commission from authorizing certain charges for electric service.
- SB 155 Cemetery district territory deannexed from the territory of Valley Center.
- SB 172 Increasing the limit of healthcare expenses allowed as a workers compensation benefit for injured employees prior to formal authorization of a claim.
- SB 173 Authorizing the board of regents on behalf of the university of Kansas to sell certain real property in Douglas county.
- SB 186 Creating the transportation planning program.
- SB 187 Providing for an increase in permit fees for oversize or overweight vehicles.
- SB 188 Providing for an increase in motor fuel taxes and trip permits.
- SB 189 Providing for an increase in registration fees for electric and hybrid vehicles.
- SB 190 Authorizing transfers from the state general fund to the local ad valorem tax reduction fund and county and city revenue sharing fund if the city or county has a new road construction or bridge improvement plan and the plan is approved by the secretary of transportation.
- SB 191 Tax lid exception for transportation construction projects.
- SB 192 Authorizing the secretary of transportation to designate toll projects on new and existing highways and changing the requirement to fully fund toll projects solely through toll revenue.
- SB 202 Eliminating the six-month retirement benefit suspension for violating KPERs working after retirement provisions.
- SB 203 Providing requirement that only legislators may request bills for introduction to be sponsored by legislative standing committees and certain requirements for printed bills and committee minutes.
- SB 208 Increasing reimbursement rates for home and community-based services.
- SB 209 Empowering the KPERs board to develop policies and procedures relating to procurement, enter into certain contracts and allow travel for trustees and employees of the system.

- SB 210 Providing KPERS membership to certain direct support positions in community developmental disability organizations upon completion of a two-year training period.
- SB 217 Requiring the state employee healthcare benefits program to accept participation as a provider by any willing pharmacist.
- SB 219 Transferring responsibility for the scrap metal database to the Kansas bureau of investigation, reducing the registration fee for scrap metal dealers, and requiring a tonnage excise tax.
- SB 225 Amending the hospital provider assessment rate and uses and membership of the healthcare access improvement panel.
- SB 228 Amending license and renewal application fees for insurance third party administrators.
- SB 231 Requiring drug rebate revenues associated with medical assistance enrollees to be deposited into the state general fund and monthly reporting thereof.
- SB 232 Amending provisions related to adult care home licensure and receivership.
- SB 233 Establishing a commercial industrial hemp program.
- SB 241 Regarding the local ad valorem tax reduction fund, county and city revenue sharing fund and job creation program fund, no transfers from or credits to such funds without prior specific authorization by an act of the legislature or an appropriation act of the legislature.

State Legislature, Joint Committees

Joint Committee on Corrections and Juvenile Justice Oversight

- SB 14 Evidence based juvenile programs; lapsing and appropriating \$6,000,000 state general fund moneys from department of health and environment--division of health care finance to the department of corrections.
- HB 2027 Evidence based juvenile programs; lapsing and appropriating \$6,000,000 state general fund moneys from department of health and environment--division of health care finance to the department of corrections.
- HB 2028 Allowing money in the evidence-based programs account managed by the department of corrections to be used for transportation to programs and electronic monitoring.

Joint Committee on Special Claims Against the State

- SB 25 Claims against the state.

Joint Committee on Pensions, Investments and Benefits

- SB 15 Amending the definition of "service connected" in the Kansas police and firemen's retirement system.
- HB 2031 Amending the definition of "service-connected" in the Kansas police and firemen's retirement system.

Robert G. (Bob) Bethell Joint Committee on Home and Community Based Services and KanCare Oversight

- SB 10 Eliminating the client obligation for persons receiving home and community-based services.
- SB 11 Establishing the licensure of dental therapists.
- SB 12 Changing eligibility requirements and limitations for public assistance programs.

State Legislature, Special Committees*Senate Select Committee on Federal Tax Code Implementation*

- SB 104 Enacting the Kansas taxpayer protection act; requiring the signature and tax identification number of paid tax return preparers on income tax returns; and authorizing actions to enjoin paid tax return preparers from engaging in certain conduct.
- SB 142 Appropriations for the department of education for FY 2020 and FY 2021 in response to litigation; increasing BASE aid for certain school years.
- SB 147 Appropriations for the department of education for FY 2019, 2020 and 2021; continuing 20 mill statewide levy for schools and exempting certain portion used for residential purposes from such levy.
- SB 204 Establishing the legislative post audit economic development incentive review subcommittee.

SUBJECT INDEX

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Abortion

- H 2318 Funding by taxpayers, prohibition of
- H 2274 Medication abortions, Notification requirements
- S 67 Medication abortions, Notification requirements
- S 167 Medication abortions, Notification requirements

Administration, State Department of

- H 2174 Contracts, State use law, extension of
- H 2187 Office of the child advocate for children's protection and services
- H 2262 Secretary, Kansas buy American act
- S 180 Secretary, Kansas buy American act

Administrative Procedure

- H 2411 Rules and regulations filing act, Director of the budget, review by

Adult Care Homes

- H 2290 Employees, Criminal history record checks
- H 2360 Employees, Criminal history record checks
- H 2343 Employees, Provisional employment
- S 15 Receivership, Powers and duties of receivers
- S 232 Receivership, Powers and duties of receivers
- S 15 Receivership, Process
- S 232 Receivership, Process
- H 2344 Residents, Antipsychotic medication, informed written consent for
- H 2229 Residents, Electronic monitoring

Aged Persons

- H 2242 Abuse, neglect or exploitation, Reports of
- H 2186 Care of, right to use sick leave
- H 2347 Kansas Alzheimer's disease advisory council
- H 2404 Kansas senior services task force

Aging and Disability Services, Department for

- S 208 Home and community-based services, Rate increase
- S 15 Powers, duties and functions, Adult care home receivership
- S 232 Powers, duties and functions, Adult care home receivership
- H 2343 Providers of disability services, Provisional employment
- S 100 Sexually violent predator treatment program, Transitional release or conditional release

Agriculture

- H 2001 Agricultural chemicals, Agricultural and specialty chemical remediation act, Assessment rates
- H 2001 Agricultural chemicals, Agricultural and specialty chemical remediation act, Sunset
- H 2293 Agricultural land, Property tax valuation
- S 117 Department of agriculture, Animal health, division of, Commissioner, Duties
- S 117 Department of agriculture, Animal health, division of, Contagious and infectious diseases
- H 2222 Department of agriculture, Food, drug and cosmetic act, Plastic straws, prohibition of
- H 2400 Department of agriculture, Kratom consumer protection act

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